(2) in Rule 30 thereof, immediately before the words "Rule 19 (*a*) (ii)", there were inserted the words "Rule 16 (*a*), Rule 17 (*a*) or"

(3) in the First Schedule thereto, immediately after part (5) of that schedule, there were inserted the following part:—

"(6) GENERAL

Any grade, class or situation agreed at any time by the Central Committee to be analogous in status with any grade, class or situation specified in any other part of this schedule."

Given under the Official Seal of the Minister of Transport and Civil Aviation this eighth day of August, 1957.

(L.S.)

Harold Watkinson,
The Minister of Transport
and Civil Aviation.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Rules of the British Transport Commission (Male Wages Grades) Pension Scheme. The amendments relate to (*a*) the commutation of small pensions, (*b*) the conditions on which persons who re-enter the service of the Commission may be re-admitted to membership of the Scheme and (*c*) the categories of persons who are eligible for membership of Section B of the Scheme.

1957 No. 438

The Transferred Undertakings (Pensions of Employees) (Amendment) Regulations, 1957

Made - - - -	14*th March*, 1957
Laid before Parliament	21*st March*, 1957
Coming into Operation	25*th March*, 1957

The Minister of Transport and Civil Aviation in exercise of his powers under section 98 of the Transport Act, 1947(**a**), and of all other powers him enabling in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the twenty-fifth day of March, 1957, and may be cited as the Transferred Undertakings (Pensions of Employees) (Amendment) Regulations, 1957.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(**a**) 10 & 11 Geo. 6. c. 49. (**b**) 52 & 53 Vict. c. 63.

2. The Transferred Undertakings (Pensions of Employees) (No. 2) Regulations, 1952(a), shall have effect and be deemed always to have had effect as though—

(1) In paragraph (3) of Regulation 1 thereof for the definition of the expression "funded scheme" there were substituted the following definition:—

"'funded scheme' means a scheme, not being an insurance scheme, which immediately before the date of any relevant event relates exclusively or in part to providing pensions to or in respect of participants who are or have been employed as officers or servants in an undertaking or part of an undertaking which is transferred to the Commission in the relevant manner, such pensions being payable out of a fund held by any person for the purposes of the scheme, and the expressions 'exclusive funded scheme' and 'non-exclusive funded scheme' mean respectively a funded scheme which relates exclusively and in part to providing pensions to or in respect of such participants:"

(2) after Regulation 1 thereof there were inserted the following Regulations:—

"*Exclusive Funded Schemes*

1A. Every exclusive funded scheme and all trust deeds, rules and other instruments made for the purposes thereof, shall continue subject to the modifications thereof provided for in these Regulations.

1B. (1) Every exclusive funded scheme and every statutory provision relating thereto and all trust deeds, rules and other instruments made for the purposes thereof shall have effect as from the date of the relevant event as though any reference therein (however worded and whether express or implied) to employment by the transferor of an undertaking or part of an undertaking were, as respects employment as from the date of the relevant event, a reference to employment by the Commission, and the rights and obligations relating to participation in the scheme and in any fund held for the purposes thereof and to payment of contributions by employer and employee shall be construed accordingly.

(2) Subject to the preceding provisions of this Regulation, every exclusive funded scheme and every statutory provision relating thereto and all trust deeds, rules and other instruments made for the purposes thereof shall have effect as from the 25th March, 1957, as though, where the transferor of an undertaking or part of an undertaking is a party thereto, the Commission had been a party thereto, and any reference therein (however worded and whether express or implied) to the transferor were, as respects anything falling to be done on or after the said date, a reference to the Commission, and any reference therein (however worded and whether express or implied) to any director, officer, servant, agent or person otherwise employed by, or person appointed by the transferor or any other person (not being a participant therein) and directly or indirectly concerned with the administration of the scheme or the fund held for the purposes thereof were, as respects anything falling to be done on or after the 25th March, 1957, a reference to such person as the Commission may appoint or employ in connection with the administration of the scheme or fund held for the purposes thereof; and where the fund held for the purposes of the scheme was so held by the transferor with or without any other person, all necessary steps shall forthwith

(a) S.I. 1952/1612 (1952 II, p. 2248)

be taken after the 25th March, 1957, to secure that the fund shall thereafter be so held by the Commission in place of the transferor and, where the fund was held by any person (being a director, officer, servant, agent of, or person appointed by the transferor or other person not being a participant in the scheme) with or without the transferor or any other person, similar steps shall forthwith be taken after the said date to secure that the fund shall thereafter be so held by such person as the Commission may appoint for the purpose in place of the first mentioned person.

1C. It shall be a term of every exclusive funded scheme that any participant in the scheme whose emoluments are diminished in consequence of the relevant event, the cause of such diminution having arisen not later than ten years after the relevant event, may (without prejudice to any other power he may have in that behalf) with the consent of the Commission and the persons administering the scheme continue his contributions under the scheme and continue to have contributions paid in respect of him thereunder by reference to the amount of his emoluments before they were first so diminished; and notwithstanding anything to the contrary therein contained the said scheme and any statutory provisions relating thereto and all trust deeds, rules and other instruments made for the purposes thereof, shall be construed accordingly.

1D. (1) In respect of any participant in an exclusive funded scheme who loses his employment as an officer or servant in consequence of the relevant event, the cause of such loss having arisen not later than ten years after the relevant event, the persons administering the scheme shall, subject to the provisions of Regulation 1E of these Regulations, pay to or in respect of him—

(*a*) as from his reaching normal pensionable age, or as from the happening of any other contingency carrying entitlement to pension under the scheme, the payment or payments comprised in his accrued pension rights; or

(*b*) at the option of the persons administering the scheme in any case where the sum does not exceed £250, a lump sum equal in amount to the estimated capital value of his accrued pension rights at the date when the option is exercised, as determined by an actuary appointed by the said persons; or

(*c*) at the option of the officer or servant in any case where provision is made in the scheme entitling a person on ceasing to be a participant therein to receive a payment by way of a return of contributions and interest paid by him with or without interest thereon, the payment so provided:

Provided that the provisions of sub-paragraphs (*b*) or (*c*) of this paragraph, as the case may be, shall not apply in any case where the option is not exercised within six months after the date on which the officer or servant loses his employment as an officer or servant or within six months of the 25th March, 1957, whichever is the later.

(2) Where provision is made in the scheme for the payment or transfer of benefits to some person other than the participant concerned, or for the compounding of a proportion of the pension rights of a participant, the said provision shall apply to benefits payable by virtue of paragraph (1) of this Regulation as it applies to benefits payable under the scheme.

(3) Notwithstanding anything to the contrary in any such scheme as aforesaid or any statutory provisions relating thereto or trust deeds, rules or other instruments made for the purposes thereof, the persons

administering the scheme shall be authorised to make such payments as are referred to in this Regulation and the said scheme, statutory provisions, trust deeds, rules and other instruments shall be construed accordingly and as though provision was duly made in the scheme for such payments.

1E. Where a participant in an exclusive funded scheme has received after the date of the relevant event and before the 25th March, 1957, any payment under the scheme by way of a return of contributions and interest paid by him, with or without interest thereon (hereinafter in this Regulation referred to as "the refund"), any payment or payments to be made to or in respect of him in accordance with Regulation 1D of these Regulations shall be reduced by reason of the refund to such extent as determined to be appropriate by an actuary appointed by the persons administering the scheme:

Provided that—

(i) this Regulation shall not apply if the participant concerned shall within three months of the 25th March, 1957, pay to the persons administering the scheme the amount of the refund received by him;

(ii) if the participant concerned shall within the said period of three months make arrangements with the said persons to pay to them the amount of the refund received by him in instalments this Regulation shall apply and have effect as if references therein to the refund were references to the aggregate amount of the instalments outstanding and unpaid at the date at which the accrued pension rights or lump sum, as the case may be, becomes payable to or in respect of him."

(3) the references in the headnote to and in Regulations 2 to 8 (inclusive) and in Regulation 15 thereof to a funded scheme were references to a non-exclusive funded scheme.

(4) In Regulation 15 thereof after the word "Regulations" there were inserted the following words:—

"or any question arising between the Commission and a participant in an exclusive funded scheme as to whether for the purposes of paragraph (1) of Regulation 1D of these Regulations he has lost his employment in consequence of the relevant event".

Given under the Official Seal of the Minister of Transport and Civil Aviation this fourteenth day of March, 1957.

(L.S.)

Harold Watkinson,
The Minister of Transport
and Civil Aviation.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Transferred Undertakings (Pensions of Employees) (No. 2) Regulations, 1952. The main amendment is that any funded pension scheme which provides pensions exclusively for employees or former employees of one or more road haulage undertakings or parts of undertakings acquired by the British Transport Commission is to be continued, subject to modifications. The Commission are to take the place of any former employer in relation to the scheme and the fund. Provision is made to preserve the pension rights of members of the scheme whose emoluments are diminished or who lose employment in consequence of the acquisition.