EXPLANATORY NOTE

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

This Order abolishes the Road Passenger Executive and includes transitional provisions as to the parties by or against whom legal proceedings are to be instituted or continued and other consequential transitional provisions.

1952 No. 1159

The Transferred Undertakings (Pensions of Employees) (No. 1) Regulations, 1952

Made - - - -	12*th June*, 1952
Laid before Parliament	16*th June*, 1952
Coming into Operation	26*th June*, 1952

The Minister of Transport in exercise of the powers conferred upon him by 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-sixth day of June, 1952, and shall have effect as from the 1st April, 1948.

(2) These Regulations may be cited as the Transferred Undertakings (Pensions of Employees) (No. 1) Regulations, 1952.

(3) In these Regulations unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Transport Act, 1947;

"the Commission" means the British Transport Commission;

"completed year of whole time service" means service for a period of three hundred and sixty-five days, or a number of periods amounting in the aggregate to three hundred and sixty-five days;

"established officer or servant" means an officer or servant who was immediately before the 1st April, 1948, employed on the pensionable staff of the Caledonian and Crinan Canals or Holyhead Harbour by the Minister as successor to the Commissioners of the Caledonian Canal or the Board of Trade, or who is to be treated as an established officer or servant by virtue of Regulation 2 of these Regulations;

"an Executive" means an Executive established by or under Section 5 of the Act;

"the Minister" means the Minister of Transport;

"officer or servant" means a person employed as an officer or servant by the Commission (whether or not the employment is by virtue of the Act to be treated as employment by an Executive) who became so employed on the 1st April, 1948, and was immediately before that date employed by the Minister as successor to the Commissioners of the

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(a) 10 & 11 Geo. 6. c. 49.

Caledonian Canal or the Board of Trade in connection with the Caledonian and Crinan Canals or Holyhead Harbour, and includes an officer or servant who becomes a member of the Commission or of an Executive whilst he is such a member:

Provided that a person, who immediately before the 1st April, 1948, was not employed by the Minister as successor to the Commissioners of the Caledonian Canal or the Board of Trade in connection with the Caledonian and Crinan Canals or Holyhead Harbour but was then otherwise engaged in whole time service following immediately upon such employment, shall be treated as if immediately before the said date he had been so employed and as if his employment on and after that date in such whole time service was employment as an officer or servant by the Commission;

"war service" means—

(*a*) service in any of Her Majesty's forces;

(*b*) any employment in the merchant navy or fishing fleets;

(*c*) any full-time employment in the Civil Defence Services (including the National Fire Service), the Royal Observer Corps, the Police War Reserve, the Nursing and First Aid Services, and the Women's Land Army;

(*d*) any full-time employment into which the officer or servant entered by direction of the Minister of Labour and National Service;

(*e*) detention by the enemy as a prisoner, military or civil, in any enemy or enemy-occupied country, or internment in any enemy or enemy-occupied or neutral country in consequence of the war;

(*f*) such other employment as the Minister may in writing approve;

such service, employment, detention or internment being on or after the third day of September, 1939, but not including any voluntary extension of war service or voluntary enlistment after the cessation of hostilities otherwise than with the consent of the Minister if the officer or servant was either at the time of the consent or immediately before the commencement of the war service, employed by the Minister and with the consent of the Commission if he was at either of these times employed by the Commission;

"whole time service" means employment after attaining the age of eighteen years and before attaining the age of sixty-five years—

(*a*) by the Minister or any of his predecessors as successors to the Commissioners of the Caledonian Canal or by those Commissioners, in connection with the Caledonian and Crinan Canals, or by the Minister or any of his predecessors as successors to the Board of Trade, or by that Board or any of their predecessors, in connection with Holyhead Harbour;

(*b*) as an officer or servant;

(*c*) on war service following immediately upon any of the preceding employments;

(*d*) on such other service as the Minister may in the case of any named employee in writing approve;

to which the employee is required to devote on the average not less than 30 hours per week during which he is not at liberty to undertake other work in consideration of a fee or other remuneration.

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

2. Every officer or servant who satisfies the Commission as to his good health and efficiency shall for the purposes of these Regulations be treated as an established officer or servant and as if he had become such on the 1st April, 1948, or on the date on which he has five completed years of whole time service, whichever is the later, provided that the officer or servant is then under sixty-five years of age.

3.—(1) Subject to the provisions of this Regulation, the Commission shall pay by way of pension to or in respect of every established officer or servant and to or in respect of every officer or servant not being an established officer or servant, the like superannuation benefits, upon the like terms and conditions and according to the like scales, as those which could be or could have been paid in respect of persons in the permanent civil service of the State or of persons employed in the civil service of the State in an unestablished capacity, as the case may be, under any statutory provision for the time being in force in relation to such persons.

(2) For the purpose of computing any pension payable to or in respect of an officer or servant under the foregoing provisions of this Regulation any period during which the officer or servant was engaged in whole time service before the 1st April, 1948, shall be reckoned as employment by the Commission (whether or not the employment is by virtue of the Act to be treated as employment by an Executive).

(3) The Commission shall permit every established officer or servant to make the like allocation of superannuation benefits upon the like terms and conditions as could be or could have been permitted in respect of persons in the permanent civil service of the State under any statutory provision for the time being in force in relation to such persons.

Given under the Official Seal of the Minister of Transport this twelfth day of June, 1952.

(L.S.)

Alan Lennox-Boyd,
The Minister of Transport.

EXPLANATORY NOTE

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

These Regulations make provision for the payment of pensions on Civil Service superannuation terms to or in respect of persons who became employed as officers or servants by the British Transport Commission on the 1st April, 1948, and who were immediately before that date employed by the Minister of Transport as successor to the Commissioners of the Caledonian Canal or the Board of Trade in connection with the Caledonian and Crinan Canals or Holyhead Harbour.

(a) 52 & 53 Vict. c. 63.