The Transferred Undertakings (Pensions of Employees) Regulations, 1951

1951 No. 1952

Made - - - -	14*th November*, 1951
Laid before Parliament	15*th November*, 1951
Coming into Operation	17*th November*, 1951

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 17th day of November, 1951, and may be cited as "The Transferred Undertakings (Pensions of Employees) Regulations, 1951".

(2) 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;

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

"insurance scheme" means a scheme for the provision of pensions by means of contracts or policies made or effected with an insurance company carrying on life assurance business within the meaning of the Assurance Companies Acts, 1909 to 1946(**b**), including contracts or policies made or effected with such a company for the purpose of implementing any form of private superannuation fund;

"licence" means an "A" licence or a "B" licence granted under the Road and Rail Traffic Act, 1933(**c**), or a corresponding defence permit issued under Regulation 72 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**d**), as extended by the Supplies and Services (Extended Purposes) Act, 1947(**e**), and the Supplies and Services (Defence Purposes) Act, 1951(**f**), and continued in force by the Supplies and Services (Continuance) Order, 1950(**g**);

"notice of acquisition" means a notice of acquisition given under Part III of the Act;

"period of service" in relation to a person to whom these Regulations apply, means his period of service with the Commission commencing with the date of the relevant event and ending with the date on which he first ceases after that event to be in the service of the Commission;

"relevant event" means the transfer of an undertaking or part of an undertaking effected in the relevant manner;

(a) 10 & 11 Geo. 6. c. 49. (b) 9 Edw. 7. c. 49 and 9 & 10 Geo. 6. c. 28.
(c) 23 & 24 Geo. 5. c. 53. (d) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (No. 1623) II, p. 53.
(e) 10 & 11 Geo. 6. c. 55. (f) 14 & 15 Geo. 6. c. 25.
(g) S.I. 1950 (No. 1769) III, p. 51.

"relevant manner" in relation to the transfer of an undertaking or part of an undertaking to the Commission, means the giving of a notice of acquisition, or in the case of an undertaking or part of an undertaking the activities of which consist wholly or mainly of the operation of vehicles authorised to be used under a licence, the making of an agreement;

"transferor" means the person who immediately before any relevant event was carrying on the undertaking the whole or part of which is transferred to the Commission by that event;

(3) 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. These Regulations apply to—

(1) any insurance scheme which immediately before any relevant event related in whole or in part to providing pensions to or in respect of persons employed as officers or servants by the transferor; and

(2) any person who is or has been 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), being a person who—

(*a*) became so employed immediately upon ceasing to be employed as an officer or servant by a transferor; and

(*b*) was immediately before the relevant event a participant in an insurance scheme to which these Regulations apply; and

(*c*) has not been granted after the relevant event and before the coming into operation of these Regulations any pension or pension rights under the said scheme by reason of his having ceased to be a participant therein.

3. The subsequent provisions of these Regulations shall be terms of any insurance scheme to which these Regulations apply and notwithstanding anything to the contrary contained therein, every such scheme and any statutory provisions relating thereto and all trust deeds, rules and other instruments made for the purposes thereof shall be construed accordingly.

4. Every person to whom these Regulations apply shall be treated as entitled and as having been entitled throughout his period of service to be a participant in any insurance scheme to which these Regulations apply in which he was a participant immediately before the relevant event in all respects as if his service with the Commission were service with the transferor.

5. In respect of every person to whom these Regulations apply, the Commission in lieu of the transferor shall, in respect of that person's period of service, be liable to make and shall make such contributions and payments as would, but for the provisions of these Regulations, have fallen to be made by the transferor under the provisions of any insurance scheme to which these Regulations apply if that person had throughout that period been in the service of the transferor and not in that of the Commission.

Given under the Official Seal of the Minister of Transport this fourteenth day of November, 1951.

(L.S.)

John S. Maclay,
Minister of Transport.

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

EXPLANATORY NOTE

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

These Regulations make provisions which may entitle the employees of road haulage undertakings transferred to the British Transport Commission to remain in their former pension schemes (where these are insurance schemes) notwithstanding that they are now employees of the British Transport Commission.

TRANSPORT CHARGES

The Canals (Additional Charges) (Amendment) Regulations, 1951

1951 No. 603

Made - - - -	*6th April,* 1951
Laid before Parliament	*7th April,* 1951
Coming into Operation	*16th April,* 1951

In exercise of the powers conferred upon him by section 82 of the Transport Act, 1947(**a**), and of all other powers him enabling in that behalf, and after consultation with and consideration of the advice of the permanent members of the Transport Tribunal acting as a consultative committee, the Minister of Transport hereby makes the following Regulations :—

1.—(1) These Regulations shall come into operation on the sixteenth day of April, 1951, and may be cited as the Canals (Additional Charges) (Amendment) Regulations, 1951.

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

" the Commission " means the British Transport Commission ;

" the Principal Regulations " means the Canals (Additional Charges) Regulations, 1950(**b**).

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

2. The additional charges which the Commission are authorised to make in respect of certain of their services and facilities by the Principal Regulations shall be increased in accordance with these Regulations.

3. There shall be added to the amount of every additional charge authorised to be made by Regulation 2 of the Principal Regulations and ascertained in accordance with the provisions thereof, a sum equal to 10 per cent. of the amount of that charge when added to the total amount of any charges by reference to which that charge is ascertained ; and the additional charges which the Commission are authorised to make in respect of the said services or facilities shall be correspondingly increased.

4. Nothing in the Principal Regulations or in these Regulations shall be taken to apply to any services or facilities in respect to which a charges scheme is in force.

(**a**) 10 & 11 Geo. 6. c. 49. (**b**) S.I. 1950 (No. 704) II, p. 78. (**c**) 52 & 53 Vict. c. 63.