Pensions

REGULATIONS,* DATED 18TH MAY, 1950, MADE BY THE MINISTRY OF COMMERCE, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 36 OF THE TRANSPORT ACT (NORTHERN IRELAND), 1948.

1950. No. 114

In exercise of the powers conferred upon it by section 36 of the Transport Act (Northern Ireland), 1948 (a), the Ministry of Commerce, with the approval of the Ministry of Finance, hereby makes the following Regulations : Short title, commencement, and interpretation.

1.—(1) These Regulations may be cited as the Transferred Undertakings (Pensions of Employees Losing Employment, etc.) Regulations, (Northern Ireland), 1950.

(2) These Regulations shall come into operation on 28th June, 1950, and shall be deemed to have had effect from 30th September, 1948.

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

" the Act " means the Transport Act (Northern Ireland), 1948 ;

" the Ministry " means the Ministry of Commerce ;

" the Authority " means the Ulster Transport Authority ;

" accrued pension rights " has the meaning assigned to it by Regulation 5 of these Regulations ;

" existing scheme " has the meaning assigned to it by Regulation 5 of these Regulations ;

" officer or servant " means a person employed as an officer or servant by the Authority who became so employed immediately on ceasing to be employed as an officer or servant —

(*a*) by the Northern Ireland Road Transport Board ;

(*b*) by the Belfast and County Down Railway Company ; or

(*c*) by the British Transport Commission in connection with that part of their undertaking situated in Northern Ireland which was operated and managed by the Northern Counties Committee ;

" relevant event " means —

(*a*) in relation to an officer or servant formerly employed as such by the Northern Ireland Road Transport Board, the transfer effected by Part II of the Act ;

(a) 12 Geo. 6 Ch. 16 (N.I.)

* These Regulations were approved in draft in accordance with subsection (3) of Section 71 of the Transport Act (N.I.), 1948, by the Senate and the House of Commons on 27th June, 1950.

(*b*) in relation to an officer or servant formerly employed as such by the Belfast and County Down Railway Company, the transfer effected by Part III of the Act ;

(*c*) in relation to an officer or servant formerly employed as such by the British Transport Commission, the transfer effected by the arrangement dated 14th December, 1948, made under the provisions of section 65 of the Act between the British Transport Commission and the Authority ;

" pensionable service " in relation to a pensionable officer or servant includes any period ranking for benefit under his existing scheme.

(4) The Interpretation Act, 1889, shall apply for the purposes of the interpretation of these Regulations in like manner as it applies, by virtue of the Interpretation Act, 1921 (**a**), for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

Continuation of the N.I.R.T.B.'s pension scheme.

2.—(1) The pension scheme established by the Northern Ireland Road Transport Board under section 28 of the Road and Railway Transport Act (Northern Ireland), 1935, (in these Regulations referred to as " the Board's scheme ") shall, subject to the modifications thereof provided for in these Regulations, continue in force as respects any officer or servant who was immediately before the relevant event a participant in the Board's scheme.

(2) It shall be a term of the Board's scheme that an officer or servant 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 Authority and the persons administering the scheme, continue his contributions under the Board's scheme and 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 Board's scheme and any instrument whatsoever relating thereto or made for the purposes thereof, shall be construed accordingly.

Provisions safeguarding the pensions of persons who continue in other schemes.

3. Where —

(*a*) any officer or servant was immediately before the relevant event a participant in a pension scheme other than the Board's scheme ; and

(*b*) he continues after the relevant event to be a participant in such scheme ; and

(*c*) his 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 ; and

(*d*) he suffers any diminution of pension rights by reason only of such diminution of emoluments ;

the Authority shall, within three months of the date of that diminution

(a) 12 Geo. 5, Ch. 4 (N.I.)

of emoluments, subject to the provisions of this Regulation, make such arrangements as may be necessary to ensure to that officer or servant pension rights which together with his pension rights (as diminished) under the scheme are equivalent to his pension rights under the scheme before such diminution of emoluments.

The existence of the duty of the Authority under this Regulation towards any such officer or servant as aforesaid shall be conditional upon his making, from the date of the diminution of his emoluments, contributions to the Authority of an amount equal to the difference between the amount of his contributions to the scheme before the diminution of his emoluments, and the amount of such contributions after such diminution.

Application of Regulations relating to pension rights of persons who lose their employment.

4. The following Regulations shall apply to every officer or servant who loses his employment as an officer or servant in consequence of the relevant event, the cause of such loss of employment having arisen not later than ten years after the relevant event ; and hereafter in these Regulations any such officer as aforesaid is referred to as an officer to whom these Regulations apply.

Definition of pension rights to be ensured to persons who lose their employment.

5.—(1) For the purposes of this Regulation and the following Regulations, the expression " existing scheme " —

(*a*) in relation to any officer or servant to whom these Regulations apply who immediately before the relevant event was a participant in the Board's scheme, means that scheme ; and

(*b*) in relation to any officer or servant to whom these regulations apply who immediately before the relevant event was a participant in a pension scheme other than the Board's scheme, means that other scheme.

(2) For the purposes aforesaid, the expression " accrued pension rights " in relation to an officer or servant to whom these Regulations apply means, subject to the provisions of this Regulation, any right or expectation under customary practice to the payment on or after his reaching normal maximum retiring age or on or after the happening of any other contingency (which expression includes the exercise of any right to receive a pension before reaching normal maximum retiring age) carrying entitlement to pension under his existing scheme —

(*a*) if the existing scheme is such a scheme as is referred to in sub-paragraph (*a*) of paragraph (3) of this Regulation, of the pension which would have been payable to or in respect of him by virtue of any premiums paid by or in respect of him under the scheme up to the date on which he loses his employment as an officer or servant ; or

(*b*) if the existing scheme is such a scheme as is referred to in sub-paragraph (*b*) of paragraph (3) of this Regulation, being a scheme in which the pension rights are related by some