



Ministry of Transport Act 1919

1919 CHAPTER 50

7 Provisions as to officers and servants

- (1) The following provisions shall apply with respect to officers or servants of any undertaking of which, or of any part or plant of which possession has been retained or taken under this Act (all of which officers and servants are in this Act hereinafter referred to as "existing officers and servants") :—
- (i) Where the Minister requires the services of any existing officer or servant, that officer or servant may be transferred to the Minister—
 - (a) either permanently with the consent of the officer or servant ; or
 - (b) temporarily with the consent (which shall not unreasonably be withheld) of the officer or servant, and of the owners of the undertaking;
 - (ii) No existing officer or servant so transferred, whether temporarily or permanently, shall without his consent be, by reason of such transfer or anything done under this Act, in any worse position in respect to the conditions of his service (including tenure of office, remuneration, gratuities, pension, superannuation, sick fund or any benefits or allowances, whether obtaining legally or by customary practice), as compared with the conditions of service obtaining with respect to him at the passing of this Act, and, if any question arises as to whether the provisions of this paragraph have been complied with, the question shall be referred to a standing arbitrator or board of arbitration appointed by the Lord Chancellor for the purposes of this section, and, if the arbitrator or board consider that those provisions have not been complied with and that the officer or servant has thereby suffered loss or injury, they shall award him such sum as they think sufficient to compensate him for such loss or injury :
 - (iii) Where an existing officer or servant has been transferred either temporarily or permanently to the Minister under this section, then, so long as the Minister remains in possession of that undertaking or any part or plant thereof, that officer or servant may remain a full member of any pension or superannuation fund established in connexion with the undertaking with all the rights to which he would be entitled had he continued in the service of the owners of the undertaking, and any contributions payable under the rules of the

Status: This is the original version (as it was originally enacted).

pension or superannuation fund or by customary practice by the owners of the undertaking may be paid by the Treasury out of moneys provided by Parliament, and he shall be entitled to receive such reasonable allowances for temporary disturbance as the Minister with the consent of the Treasury may determine (including direct pecuniary loss sustained in consequence of the transfer):

- (iv) Every existing officer or servant not transferred to the Minister in pursuance of this Act shall, notwithstanding the powers conferred upon the Minister by this Act, continue to hold his Office or situation under the owners of the undertaking under the same tenure and upon the Same terms and conditions (including all conditions regarding gratuities, pension, superannuation, sick fund, or any benefits or allowances), whether obtaining legally or by customary practice, as he held it on the date of the passing of this Act, and while performing the same duties shall receive not less salary, wages, or remuneration than under existing regulations, agreements, or established customs of the service he would have been entitled to if this Act had not been passed :
- (v) The Minister may direct that the office or situation of any existing officer or servant which he deems unnecessary shall be abolished: Provided that the Minister shall not require the abolition of any such office which will, in the opinion of the owners of the undertaking, be essential to them in their conduct of the undertaking at the end of the period of possession:
- (vi) If by or in consequence of a direction of the Minister any existing officer or servant is, during the period of possession, required to perform duties such as are not analogous or which are an unreasonable addition to those which he has, prior to the date of the passing of this Act, been required to perform, such officer or servant may relinquish his office or service:
- (vii) Every such officer or servant who so relinquishes his office or service as aforesaid, and every such officer or servant whose services by or in consequence of any such direction are dispensed with on the ground that his services are not required, or for any reason not being on account of any misconduct or incapacity, or whose salary, wages, or remuneration are reduced on the ground that his duties have been diminished by or in consequence of any such direction, or who otherwise suffers any direct pecuniary loss in consequence of this Act (including any loss of prospective superannuation or other retiring or death allowances, whether obtaining legally or by customary practice), shall be entitled to be paid by the Minister compensation for such pecuniary loss, to be determined by the Treasury, subject to appeal to such standing arbitrator or board of arbitration as aforesaid, in accordance with the provisions contained in section one hundred and twenty of the Local Government Act, 1888, relating to compensation to existing officers, and those provisions shall apply accordingly as if they were herein re-enacted with the necessary modifications :

Provided that, in the case of any officer or servant who was appointed to his office as a specially qualified person at an age exceeding that at which public; service usually begins, or of any officer or servant who suffers any loss of prospective superannuation or other retiring or death allowances as aforesaid, such addition may be made to the amount of compensation authorised under the said provisions as may seem just, having regard to the particular circumstances of such case : Provided further that the expression in subsection (1) of section one hundred and twenty of the Local Government

Act, 1888, " the Acts and Rules " relating to Her Majesty's Civil Service " shall mean the Acts and Rules relating to His Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act, 1888.

- (2) Any person formerly in the employment of the owners of an undertaking of which or of any part or plant of which possession is retained or taken under this Act, who on the date of the passing of this Act is, though not legally entitled thereto, in receipt of a pension or other superannuation allowance, shall continue to receive from the owners of such undertaking the same pension or allowance on the same terms and conditions as if this Act had not been passed.
- (3) Any person who, at the date of the passing of this Act, was in the employment of the owners of an undertaking of which or of any part or plant of which possession is retained or taken under this Act and who, during the period of such possession, would, though not legally entitled thereto, in accordance with customary practice, be granted a pension or superannuation allowance by the owners of such undertaking, shall not be in any worse position in regard thereto by reason of the passing of this Act.
- (4) This section shall apply to persons who are, or have been, members of the staff of the Railway Clearing House, or the Irish Railway Clearing House, or any railway conference, in like manner as if they were, or had been, officers or servants of an undertaking of which possession had been taken and the period of possession thereof had been the same as that of a railway undertaking, and to the Railway Clearing System Superannuation Fund, as if it was a pension or superannuation fund established in connexion with an undertaking of which possession has been taken, and as if payments and contributions heretofore made by railway companies thereto were contributions payable by the owners of the undertaking.