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*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Paragraph 17. (See end of Document for details)*

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## SCHEDULES

### SEVENTH SCHEDULE

#### TRANSITIONAL PROVISIONS

#### PART IV

#### PENSIONS

*Continuation of existing pension regulations, etc.*

- 17 (1) Sections ninety-eight to one hundred of the <sup>M1</sup>Transport Act 1947, and section twenty-seven of the <sup>M2</sup>Transport Act 1953 (which relate to pensions), shall cease to have effect on the vesting date, but that shall not affect—
- (a) regulations made under the said section ninety-eight or the said section twenty-seven, or
  - (b) any liability in relation to customary obligations arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule, or
  - (c) the participation in any pension scheme of a person who became such a participant before the vesting date by virtue of subsection (3) of the said section ninety-nine, or
  - (d) the provisions of subsections (3) and (4) of the said section ninety-nine and the said section one hundred as they apply to service before the vesting date.
- (2) If at any time after the vesting date the Minister is satisfied, or it is determined under the next following sub-paragraph, that regulations under the said section ninety-eight have failed to secure the result mentioned in subsection (3) of that section (that is to say that certain persons having pension rights are not placed in any worse position by reason of provisions of the regulations), the Minister shall as soon as possible exercise the power conferred on him by section seventy-four of this Act to make the necessary amendments.
- (3) If—
- (a) any dispute arises between the Minister and any persons as to whether the said result has been secured by any regulations under the said section ninety-eight or
  - (b) any question arises as to the existence or extent of any customary obligation arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule,
- the dispute or question shall, in default of agreement, be referred for determination to a referee or board of referees appointed by the Minister of Labour, after consultation with the Lord Chancellor [<sup>F1</sup>and the Lord Chief Justice of England and Wales] or, where the proceedings are to be held in Scotland, after consultation with the Secretary

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of State; and the Boards shall give effect to any determination under paragraph (b) of this sub-paragraph.

- (4) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—
- (a) to any referee or to the members of any board of referees appointed under the last foregoing sub-paragraph such fees and allowances as he may with the consent of the Treasury determine, and
  - (b) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.
- (5) Nothing in [<sup>F2</sup>any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or]<sup>F3</sup>[Part I of the Arbitration Act 1996], shall be construed as applying to any proceedings before a referee or board of referees appointed under this paragraph.
- (6) It is hereby declared that where actual service in the employment of the Commission immediately precedes or follows service which is treated as such by virtue of subsection (4) of section ninety-nine of the <sup>M3</sup>Transport Act 1947, for the purposes of a pension scheme, the two periods of service shall be treated for those purposes as continuous.
- [<sup>F4</sup>(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.]

#### Textual Amendments

- F1** Words in Sch. 7 para. 17(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 56(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F2** Words in Sch. 7 para. 17(5) inserted (S.) (5.6.2010) by [Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **Sch. para. 4(4)**
- F3** Words in Sch 7 Pt. IV para. 17(5) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 16(4)** (with s. 81(2)); S.I. 1996/3146, **art. 3** (subject to transitional provisions in Sch. 2, art. 4).
- F4** Sch. 7 para. 17(7) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 56(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

#### Modifications etc. (not altering text)

- C1** Para. 17(3) amended by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), s. 130, **Sch. 10 para. 21**

#### Marginal Citations

- M1** 1947 c. 49.  
**M2** 1953 c. 13.  
**M3** 1947 c. 49.

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