



London Passenger Transport Act 1933

1933 CHAPTER 14 23 and 24 Geo 5

PART VII

STAFF AND SUPERANNUATION

73 Transfer and compensation rights of officers and servants solely or mainly occupied in transferred undertakings.

- (1) The provisions of this section shall apply in relation to any person who—
- (a) was on the twelfth day of March, nineteen hundred and thirty-one, an officer or servant of a local authority, company or person specified in the Second Schedule to this Act; and
 - (b) either (i) was on the said date occupied in or in connection with the undertaking or, as the case may be, the part of the undertaking transferred by this Act from that authority, company or person to [^{F1}the Executive]; or (ii) between the said date and the appointed day became so occupied on being transferred by his employers from other duties, such transfer being reasonably necessary in the ordinary course of the management of their business; and
 - (c) was immediately before the appointed day an officer or servant of that authority, company or person, and solely or mainly so occupied as aforesaid.

Any such person as aforesaid is in this section referred to as an “existing officer” or “existing servant”.

- (2) Subject to the provisions of this Act, every existing officer or servant shall, as from the appointed day, be transferred to and become an officer or servant of [^{F1}the Executive] and if any question arises as to whether any person is so transferred, that question shall be determined by an arbitrator who shall be appointed by the Lord Chancellor in accordance with the provisions hereafter in this Part of this Act contained and is hereafter in this Part of this Act referred to as the “standing arbitrator”.
- (3) No existing officer or servant so transferred shall, without his consent, be by reason of such transfer in any worse position in respect to the conditions of his service as a whole as compared with the conditions of service formerly obtaining with respect to him and, in determining whether an officer or servant is, or is not, in a worse position, regard

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

shall be had to all relevant considerations, including tenure of office, remuneration, gratuities, pension, superannuation, sick fund and any other benefits or allowances, whether provided for himself or for his widow, family or representatives and whether obtaining legally or by customary practice of the authority, company or person under whom he held his office or employment.

(4) If any question arises as to whether the provisions of the last preceding subsection have been complied with, that question shall be referred to the standing arbitrator, and if the arbitrator is of opinion that those provisions have not been complied with and that the officer or servant in question has thereby suffered any loss or injury, not being a direct pecuniary loss in respect of which he is entitled to compensation under the provisions hereafter in this section contained, the arbitrator shall award to him such sum to be paid by [F1the Executive] as he considers sufficient to compensate him for that loss or injury.

(5) F2

(6) [F1The Executive] may abolish the office or post of any existing officer or servant, and any existing officer or servant required to perform duties which are not analogous to, or are an unreasonable addition to, those which as an officer or servant of the authority, company, or person from whom he is transferred he was required to perform, may relinquish his office or post; and every existing officer or servant who suffers any direct pecuniary loss in consequence of this Act by reason of such abolition or relinquishment of his office or post or otherwise and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from [F1the Executive] in respect of that loss compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act.

(7) F3 if at any time the services of any existing officer or servant are dispensed with by [F1the Executive] upon the abandonment, in whole or in part, of a tramway on or in connection with which he was employed by [F1the Executive], that officer or servant shall, unless the contrary is proved, be deemed for the purposes of the last preceding subsection to have suffered a direct pecuniary loss in consequence of this Act.

(8) F2

(9) No existing officer or servant who is transferred to [F1the Executive] shall be prejudiced in regard to the office or post to be assigned to him by [F1the Executive] by reason of the appointed day in relation to the undertaking from which he was transferred being later than the appointed day in relation to any other transferred undertaking.

(10) F2

(11) In this part of this Act the expression “officer” includes a managing director.

(12) F2

(13) Notwithstanding anything in subsection (1) of this section any person who—
(a) was on the twelfth day of March, nineteen hundred and thirty-one, occupied as an officer or servant in, or in connection with, an undertaking or, as the case may be, a part of an undertaking which has since that date been acquired by, or absorbed in, the undertaking of an authority, company or person specified in the Second Schedule to this Act; and

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

- (b) as a consequence of such acquisition or absorption became an officer or servant of that authority, company or person occupied in, or in connection with, the undertaking or, as the case may be, the part of the undertaking transferred by this Act from that authority, company or person to [^{F1}the Executive]; and
- (c) was immediately before the appointed day an officer or servant of that authority, company or person and solely or mainly so occupied as aforesaid;
- shall be deemed to be an existing officer or servant and accordingly the provisions of this section shall apply in relation to him as they apply in relation to such a person as is mentioned in subsection (1) of this section.

Textual Amendments

- F1** Words substituted by virtue of [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. I](#) and [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 3 para. 1\(1\)\(2\)\(g\)](#)
- F2** [S. 73\(5\)\(8\)\(10\)\(12\)](#) repealed by [Statute Law Revision Act 1960 \(c. 56\)](#)
- F3** Words repealed by [Statute Law Revision Act 1960 \(c. 56\)](#)

74 **Transfer and compensation rights of officers and servants occupied in certain other undertakings.**

For the purposes of subsections (2) to (8) . . . ^{F4} of the last preceding section any person who—

- (a) was on the twelfth day of March, nineteen hundred and thirty-one, an officer or servant of an employer whose undertaking is in whole or in part taken over by [^{F5}the Executive] under subsection (4) of section sixteen of this Act; and
- (b) either—(i) was on the said date occupied in, or in connection with the undertaking or, as the case may be, the part of the undertaking so taken over, or (ii) between the said date and the date of such taking over became so occupied on being transferred by his employer from other duties, such transfer being reasonably necessary in the ordinary course of the management of his business; and
- (c) was on the date of the taking over by [^{F5}the Executive] an officer or servant of that employer and solely or mainly so occupied as aforesaid,

and any person who—

- (a) was on the said twelfth day of March an officer or servant of a company specified in subsection (1) of section seventeen of this Act; and
- (b) either—(i) was on the said date occupied in, or in connection with any premises transferred from that company to [^{F5}the Executive] or the running of any service which the company is required to discontinue, or (ii) between the said date and the date of such transfer to [^{F5}the Executive] or discontinuance, as the case may be, became so occupied on being transferred by the company from other duties, such transfer being reasonably necessary in the ordinary course of the management of its business; and
- (c) was on the date of such transfer to [^{F5}the Executive] or discontinuance, as the case may be, an officer or servant of that company, and solely or mainly so occupied as aforesaid,

and any person who—

- (a) was on the said twelfth day of March occupied as an officer or servant in, or in connection with an undertaking or, as the case may be, a part of an

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

undertaking which has since that date been acquired by, or absorbed in an undertaking which is in whole or in part taken over by ^{F5}the Executive] under subsection (4) of section sixteen of this Act, or by or in the undertaking of a company specified in subsection (1) of section seventeen of this Act; and

- (b) as a consequence of such acquisition or absorption became an officer or servant of the person or company owning the undertaking either (i) occupied in, or in connection with the undertaking or, as the case may be, the part of the undertaking so taken over by ^{F5}the Executive], or (ii) occupied in, or in connection with any premises transferred from any such company to ^{F5}the Executive] or the running of any service which any such company is required to discontinue; and
- (c) was on the date of the taking over by, or of the transfer to, ^{F5}the Executive] or of the discontinuance, as the case may be, an officer or servant of that person or that company and solely or mainly so occupied as aforesaid,

shall be deemed to be an existing officer or servant, and accordingly the provisions of the said subsections shall apply in relation to him as they apply in relation to such a person as is mentioned in subsection (1) of that section, subject, however, to this modification that any reference to the appointed day shall in relation to him be construed as a reference to the date of the taking over or the transfer of the undertaking, or part of the undertaking, or premises or, as the case may be, of the discontinuance of the service.

Textual Amendments

- F4** Words repealed by [Statute Law Revision Act 1960 \(c. 56\)](#)
- F5** Words substituted by virtue of [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. I](#) and [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 3 para. 1\(1\)\(2\)\(g\)](#)

75 Compensation rights of certain officers and servants not transferred to the Board.

- (1) Any officer or servant of a local authority specified in Part III of the Second Schedule to this Act who would by virtue of section seventy-three of this Act have been transferred to ^{F6}the Executive] on the appointed day if he had on that date been solely or mainly occupied in or in connection with the transferred undertaking of the authority but was on that date only partly so occupied, and who as a consequence of this Act or of something done by virtue thereof, and not as a result of any misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the local authority in respect of that pecuniary loss, compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act as modified by the next succeeding subsection.
- (2) The provisions of the said Fourteenth Schedule shall in their application to any such officer or servant as aforesaid have effect as if for any reference therein to ^{F6}the Executive] as the authority to receive and determine claims for compensation and to pay compensation there were substituted a reference to the local authority.
- (3) Any compensation payable under this section shall be paid in the first instance by the local authority, but the ultimate incidence thereof, shall be such as may be agreed

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

between that authority and [^{F6}the Executive] or, in default of agreement, determined by the standing arbitrator.

- (4) Upon any reference to him under the last preceding subsection, the arbitrator shall have regard to all the circumstances of the case, including the number of vacancies in the staff of the local authority resulting from the transfer to [^{F6}the Executive] of officers and servants not solely employed in or in connection with the transferred undertaking and the opportunity afforded by those vacancies for avoiding, by means of a re-allocation of duties, any hardship to such officers or servants as are mentioned in this section, and shall determine whether the cost of any such compensation as aforesaid is to be borne by the local authority or by [^{F6}the Executive], or is to be apportioned between them and, if so, in what shares.

Textual Amendments

- F6** Words substituted by virtue of Transport Act 1962 (c. 46), Sch. 2 Pt. I and Transport (London) Act 1969 (c. 35), Sch. 3 para. 1(1)(2)(g)

76 Compensation rights of officers and servants of Railway Clearing House.

- (1) Any officer or servant of the Railway Clearing House who as a consequence of this Act or of anything done by virtue thereof, and not as a result of misconduct or incapacity to perform such duties as he previously was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the Railway Clearing House in respect of that pecuniary loss, compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act as modified by the next succeeding subsection.
- (2) The provisions of the said Fourteenth Schedule shall, in their application to any such officer or servant as aforesaid, have effect as if for any reference therein to [^{F7}the Executive] as the authority to receive and determine claims for compensation and to pay compensation there were substituted a reference to the Railway Clearing House.
- (3) Any compensation payable under this section shall be paid in the first instance by the Railway Clearing House, but the ultimate incidence thereof shall be such as may be agreed between the Railway Clearing House and [^{F7}the Executive] or, in default of agreement, determined by the standing arbitrator.
- (4) Upon any reference to him under the last preceding subsection, the arbitrator shall have regard to all the circumstances of the case and, in particular, to whether the pecuniary loss to the officer or servant was primarily due to the transfer by this Act of railway undertakings to [^{F7}the Executive], or to any arrangement made under this Act for the pooling of traffic receipts, and shall determine whether the cost of any compensation payable to the officer or servant is to be borne by the Railway Clearing House, or by [^{F7}the Executive], or is to be apportioned between them and, if so, in what shares.

Textual Amendments

- F7** Words substituted by virtue of Transport Act 1962 (c. 46), Sch. 2 Pt. I and Transport (London) Act 1969 (c. 35), Sch. 3 para. 1(1)(2)(g)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

77 Compensation rights of officers and servants of joint railway undertakings.

- (1) Any officer or servant employed on or about a joint railway undertaking, any right or interest in which is transferred to [^{F8}the Executive], who as a consequence of this Act or of anything done by virtue thereof and not as a result of misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from his employers for the time being in respect of that pecuniary loss compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act, as modified by the next succeeding subsection.
- (2) The provisions of the said Fourteenth Schedule shall in their application to any such officer or servant as aforesaid, have effect as if for any reference therein to [^{F8}the Executive] as the authority to receive and determine claims for compensation and to pay compensation, there were substituted a reference to the employers of that officer or servant.
- (3) Any compensation payable under this section shall be paid in the first instance by [^{F8}the Executive], but the ultimate incidence thereof as between [^{F8}the Executive] and any railway company concerned shall be such as may be agreed between them or, in default of agreement, determined by the standing arbitrator.

Textual Amendments

- F8** Words substituted by virtue of [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. I](#) and [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 3 para. 1\(1\)\(2\)\(g\)](#)

78 Continuance of compassionate allowances.

Subject to the provisions of this section, where on the appointed day—

- (a) a person who was formerly an officer or servant of any local authority or company specified in Part I, Part II or Part III of the Second Schedule to this Act; or
- (b) the widow or a dependant of a deceased person who was formerly such an officer or servant as aforesaid,

is in receipt of a pension, or a superannuation or other allowance from that authority or company, granted in pursuance of their customary practice and not as a matter of legal right, then, if that person or that deceased person would on the appointed day, had his employment under that authority or company continued until that date, have been transferred by this Act to and become an officer or servant of [^{F9}the Executive], he or, as the case may be, his widow or dependant shall be entitled to receive from [^{F9}the Executive] the same pension or allowance and on the same conditions as previously obtaining:

Provided that, if [^{F9}the Executive] are of opinion that any grant or alteration of any such pension or allowance made after the third day of December, nineteen hundred and thirty, was not in accordance with the customary practice of that authority or company, [^{F9}the Executive] may within six months after the appointed day give notice in writing to that effect to the authority or company concerned; and, if in any case where such a notice has been given any dispute arises, it shall be referred to the standing arbitrator, who shall consider whether or not the grant or alteration was in accordance with the

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

customary practice of that authority or company, and shall determine whether, and to what extent as between [F⁹the Executive] and the authority or company, any liability arising in respect thereto is to be transferred to [F⁹the Executive] or is to continue as a liability of the authority or company.

Textual Amendments

- F9** Words substituted by virtue of Transport Act 1962 (c. 46), Sch. 2 Pt. I and Transport (London) Act 1969 (c. 35), Sch. 3 para. 1(1)(2)(g)

79 Provisions as to standing arbitrator.

- (1) For the purposes of the six last preceding sections and of the Fourteenth Schedule to this Act, the Lord Chancellor shall appoint a standing arbitrator, and any question which under any of those provisions or under the said Schedule is directed to be determined by a standing arbitrator shall, in case of dispute, be referred to and determined by that arbitrator.
- (2) The fee payable to the standing arbitrator in respect of any such arbitration as aforesaid shall be such as the Lord Chancellor may fix and shall be paid by [F¹⁰the Executive], unless, in a case arising under section seventy-five, section seventy-six, or section seventy-seven of this Act, the arbitrator directs that it shall be paid in whole or in part by the local authority, or the Railway Clearing House, or a railway company concerned, as the case may be.

Textual Amendments

- F10** Words substituted by virtue of Transport Act 1962 (c. 46), Sch. 2 Pt. I and Transport (London) Act 1969 (c. 35), Sch. 3 para. 1(1)(2)(g)

80 Superannuation funds, &c.

- (1) Subject to the provisions of this section, all superannuation, pension, and other benefit funds or schemes (other than the Railway Clearing System Superannuation Fund and the British Electrical Endowment Fund), which funds or schemes are in this section referred to as “existing benefit funds,” and all savings banks or institutions of a like nature (other than the British Electrical Provident Fund), which banks or institutions are in this section referred to as “existing banks” of, or established by, or in connection with, any of the companies specified in Part I, Part II, Part IV, Part V or Part VI of the Second Schedule to this Act (in this section referred to as “transferred companies”) and the managers of those funds and banks shall continue as if the undertakings carried on by the transferred companies had not been transferred to [F¹¹the Executive].
- (2) For the purposes of any statutory enactments and rules or regulations relating to the existing benefit funds or banks, any power of a transferred company or any officer or director of a transferred company in relation to any such fund or bank may, as from the appointed day, be exercised by [F¹¹the Executive] or by any member or officer of [F¹¹the Executive] appointed by [F¹¹the Executive] for the purpose; and service or employment or dismissal under or by [F¹¹the Executive] of any officer or servant of a transferred company who by virtue of this Act is transferred to, and becomes an officer or servant of, [F¹¹the Executive] shall be deemed to be service or employment

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

or dismissal under or by that one of the transferred companies in whose employment that officer or servant was immediately before the appointed day.

- (3) The obligations, whether obtaining legally or by customary practice, of each of the transferred companies in respect of the existing benefit funds and banks, and in respect of every member of an existing benefit fund and depositor in an existing bank who is transferred to and becomes, or, if he had been immediately before the appointed day an officer or servant of the transferred company, would have been transferred to and become, an officer or servant of [F11the Executive], shall be binding upon [F11the Executive].
- (4) All persons who are or have been members of any of the existing benefit funds or depositors in any of the existing banks and who are, or, if they had been immediately before the appointed day officers or servants of a transferred company, would have been, transferred to and become officers or servants of [F11the Executive] and all persons claiming in right of any such person as aforesaid shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as those persons would have been or might have become entitled or subject to, if the undertakings carried on by the transferred companies had not been transferred to [F11the Executive].
- (5) Any member of any of the existing benefit funds and any depositor in any of the existing banks who is not transferred to [F11the Executive] shall, unless within one year from the appointed day he gives notice in writing to the managers of that fund or bank of his desire to terminate his membership thereof or his interest therein, continue as a member of or depositor in that fund or bank; and any person so continuing as a member or depositor shall be entitled to the same benefits, rights and privileges, whether obtaining legally or by customary practice, as he would have been or might have become entitled to if the undertakings carried on by the transferred companies had not been transferred to [F11the Executive]; and so long as he continues to be a member or depositor, he and any person under whom he holds his office or employment, shall be subject to the same obligations towards the fund or bank, whether obtaining legally or by customary practice, as they would have been, or might have become subject to, if the undertakings carried on by the transferred companies had not been transferred to [F11the Executive]:
 Provided that the managers of the said fund or bank may at any time, at the joint request of the member or depositor and of his employer for the time being, transfer to any other fund, scheme or bank such sum, to be determined if necessary by an actuary appointed by the managers, as represents the interest of the member or depositor in their fund or bank, and thereupon the liability of their fund or bank towards that member or depositor shall cease and determine.
- (6) Any person, who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of [F11the Executive] and who immediately before the appointed day was a member of the Railway Clearing System Superannuation Fund Corporation (in this subsection referred to as “the corporation”), may, for the period during which he remains an officer or servant of [F11the Executive], including any period of superannuation after retirement from the service of [F11the Executive], continue to be a member of the corporation; and any person who, if he had been immediately before the appointed day an officer or servant of a transferred company, would have been transferred to and become an officer or servant of [F11the Executive] and who at the appointed day is in receipt of a superannuation allowance or annuity from the corporation, may, for the period during which he would, if this Act had not been passed, have been entitled so to receive a superannuation allowance or annuity,

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

continue to be a member of the corporation; and while any such person as aforesaid so remains a member, he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been entitled or subject to, if the undertaking carried on by the company under which he held his office or employment had not been transferred to [F11the Executive], and while he so remains a member, the obligations of the transferred company under which he held his office or employment, in respect of the corporation so far as relates to that member, whether obtaining legally or by customary practice, shall be binding upon [F11the Executive].

- (7) Any person who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of [F11the Executive] and who immediately before the appointed day was a member of the British Electrical Endowment Fund (in this subsection referred to as “the Endowment Fund”) shall (subject to the provisions of the trust deeds and rules for the time being applicable to the Endowment Fund) continue for the period during which he remains an officer or servant of [F11the Executive] to be a member of the Endowment Fund; and while he so remains a member he shall be entitled to the same benefits, rights, and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been or might have become entitled to or subject to if the undertaking carried on by the company under which he held his office or employment had not been transferred to [F11the Executive], or if [F11the Executive] had been a company within the meaning of the said trust deeds and rules, and [F11the Executive] shall, in respect of that person, have the same rights and be subject to the same obligations as [F11the Executive] would have been subject to under the provisions of the said trust deeds and rules if [F11the Executive] had been a company within the meaning of the said trust deeds and rules, and as from the appointed day, in construing the provisions of the said trust deeds and rules, [F11the Executive] in respect of that person shall be deemed to be, and always to have been, such a company.
- (8) Any person who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of [F11the Executive], and who immediately before the appointed day was a depositor in the British Electrical Provident Fund (in this subsection referred to as “The Provident Fund”) through the company under which he held his office or employment, and any person being the wife or child of an officer or servant so transferred and being immediately before the appointed day a depositor in the Provident Fund may, for the period during which such officer or servant remains an officer or servant of [F11the Executive], remain a depositor through [F11the Executive] in the Provident Fund and shall be entitled to the same benefits, rights, and privileges, and be subject to the same obligations, whether obtaining legally or by customary practice, as he or she would have been entitled or subject to, and [F11the Executive] shall in respect of that person have the same rights and be subject to the same obligations as [F11the Executive] would have been subject to under the provisions of the trust deeds and rules for the time being applicable to the Provident Fund if [F11the Executive] had been a company within the meaning of the said trust deeds and rules and as from the appointed day in construing the said trust deeds and rules [F11the Executive] shall in respect of that person be deemed to be, and always to have been, a company within the meaning of the said trust deeds and rules.
- (9) Any person who, being an officer or servant of any of the local authorities specified in Part III of the Second Schedule to this Act, is transferred to and becomes an officer or servant of [F11the Executive], and who immediately before the appointed day was a member of any pension, superannuation or other benefit fund set up by that authority (in this section referred to as “a local authority’s fund”) may so long as he

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

remains an officer or servant of [F11the Executive] continue to be a member of that fund and, subject to the provisions of the three next succeeding subsections, while he so continues to be a member, the provisions of any enactment or scheme or any rule or regulation by which that fund is regulated shall, so far as respects him, continue to apply to the local authority, and he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been entitled or subject to if he had remained an officer or servant of the authority.

- (10) Where any person who continues to be a member of a local authority’s fund ceases to be an officer or servant of [F11the Executive], the provisions of any such enactment, scheme, rule or regulation as aforesaid which would have been applicable upon his ceasing to be an officer or servant of the authority shall apply as if he had remained an officer or servant of the authority, and had ceased to be such an officer or servant at the time at which, and in circumstances similar to those in which he ceased to be an officer or servant of [F11the Executive].
- (11) Where any officer or servant of [F11the Executive] continues after the appointed day to be a member of a local authority’s fund—
 - (a) the authority may in respect of him grant benefits, and make payments into and out of the fund, as if his employment by [F11the Executive] were employment by the authority; and
 - (b) [F11the Executive] shall deduct from his remuneration such amounts as he is liable to contribute to the fund, and shall from time to time pay to the authority the amounts so deducted to be carried by the authority to the credit of the fund.
- (12) Where a local authority becomes liable to pay and pays into a local authority’s fund any sums, whether ascertained upon an actuarial valuation or otherwise, being sums which, if the undertaking of the authority had not been transferred to [F11the Executive], would have been payable by the authority out of the revenues of the undertaking, [F11the Executive] shall on demand repay to the authority so much of the said sums as relates to officers or servants of [F11the Executive] who continue, or at any time since the appointed day have continued, to be members of the local authority’s fund.
- (13) [F11The Executive] and the local authority may enter into agreements for the purpose of giving effect to the provisions of the last two preceding subsections and, except in so far as any such agreement provides to the contrary, any dispute arising under those provisions shall be referred to and determined by an arbitrator to be agreed upon between the parties, or, failing agreement, to be appointed on the application of either party by the President of the Institute of Actuaries.
- (14) If upon an actuarial valuation of any local authority’s fund a deficiency is found to exist, [F11the Executive] shall (without prejudice to any other liability of [F11the Executive] under the preceding provisions of this section) on demand make good to the authority for the credit of the fund so much, if any, of that deficiency as may be certified by the person making the valuation or as, in the case of a dispute, may be determined by an arbitrator, to be appointed in default of agreement upon the application of either party by the President of the Institute of Actuaries, to be due to the action of [F11the Executive] in increasing the remuneration, or accelerating the retirement of officers or servants of [F11the Executive] continuing to be members of the fund.
- (15) F12
- (16) Notwithstanding anything contained in this section any officer or servant of [F11the Executive] may, subject to the consent of [F11the Executive] and of the managers of

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII. (See end of Document for details)

the fund or bank in question, become a member of any of the existing benefit funds or a depositor in any of the existing banks ^{F13}subject to such terms and conditions as may be attached to such consent and the provisions of any trust deed rules regulations or other document constituting or regulating the existing benefit funds or the existing banks shall apply to any such officer or servant subject to such terms and conditions.]

- (17) Any member of ^{F11}the Executive] who is at the date of his appointment a member of any such pension, superannuation, or other benefit fund as is mentioned in, or authorised by, any of the foregoing provisions of this section may continue to be a member of that fund while he remains a member of ^{F11}the Executive] and, while he so continues to be a member of the fund, he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would be entitled or subject to if he were an officer or servant of ^{F11}the Executive], and during the said period ^{F11}the Executive] shall from time to time make to the fund, or to the persons responsible for the management thereof, such payments in respect of him as they would be liable to make if he were such an officer or servant.
- (18) In this section the expression “managers” in relation to any fund, scheme or bank, means the board, trustees, committee, or other persons entrusted with the management thereof.

Textual Amendments

- F11** Words substituted by virtue of Transport Act 1962 (c. 46), **Sch. 2 Pt. I** and Transport (London) Act 1969 (c. 35), **Sch. 3 para. 1(1)(2)(g)**
- F12** S. 80(15) repealed by Transport Act 1962 (c. 46), **Sch. 12 Pt. II**
- F13** Words added by London Passenger Transport Act 1935 (c. cx), s. 90

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the London Passenger Transport Act 1933, Part VII.