
STATUTORY INSTRUMENTS

1948 No. 1585

**Transferred Undertakings (Pensions of
Employees losing Employment) Regulations 1948**

2.—(1) Every existing pension scheme relating in whole or in part to providing pensions to or in respect of any officer or servant which is associated with his employment as an officer or servant and every statutory provision relating thereto and all trust deeds, rules and other instruments made for the purposes thereof, shall continue subject to the modifications thereof provided for in these Regulations. Any pension scheme so continued is in these Regulations referred to as an “existing scheme”.

(2) It shall be a term of every existing 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 Commission and the persons administering the scheme continue his contributions under the 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 said scheme and any statutory provisions relating thereto and all trust deeds, rules and other instruments made for the purposes thereof, shall be construed accordingly.

(3) These Regulations 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 is a pensionable officer or servant at the date of such loss of employment.

(4) In the subsequent provisions of these Regulations, the expression “accrued pension rights” in relation to an officer or servant to whom these Regulations apply means (subject to the provisions of paragraph (5) 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 or any right to receive a pension on retirement 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 paragraph (1) of Regulation 3 of these Regulations, 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 paragraph (2) of Regulation 3 or Regulation 4 of these Regulations, being a scheme in which the pension rights are related by some specific proportion to pensionable service and pensionable emoluments, of a pension payable to or in respect of him calculated at such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable service under the scheme as would have been applicable in that scheme in the calculation of the pension, if he had at the date when he loses his employment as an officer or servant reached normal maximum retiring age, or as the case may be, had the other contingency then happened, and there had been no requirement of the scheme as to a minimum qualifying period of service; or

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- (c) if the existing scheme is such a scheme as is referred to in paragraph (2) of Regulation 3 or Regulation 4 of these Regulations, being a scheme in which the pension rights are not related by some specific proportion to pensionable service and pensionable emoluments, of a pension payable to or in respect of him calculated on reaching normal maximum retiring age, or as the case may be, on the happening of the other contingency, as follows:—
- (i) on reaching normal maximum retiring age, the pension which would have been payable under the scheme had he continued to be a participant in the scheme until that age without increase of emoluments, but reduced in the proportion which the number of years of pensionable service under the scheme before he loses his employment as an officer or servant bears to the number of years of pensionable service which he would have rendered had he continued to be a participant in the scheme until normal maximum retiring age; or
 - (ii) on the happening of the other contingency, the pension which would have been payable under the scheme if the contingency had happened at the time when he loses his employment as an officer or servant with the corresponding emoluments and length of service and there had been no requirement of the scheme as to a minimum qualifying period of service;

Provided that for the purpose of ascertaining the amount of any pension which would have been payable to or in respect of any officer or servant under a scheme, no regard shall be had to any increase of pension rights given in connection with any provision made by the Act or in anticipation of the making of any such provision otherwise than in the ordinary course and nothing in sub-paragraphs (b) and (c) of this paragraph shall be taken to confer any right to payments of pension on account of temporary periods of incapacity which exceed in total amount or total period of payment the maximum amount or period laid down in the relevant scheme.

(5) In relation to an officer or servant to whom these Regulations apply, being an officer or servant who immediately before the date of the relevant event was employed as an officer or servant by any of the bodies specified in the Third Schedule to the Act or by or in connection with the Railway Clearing House and had the right or the expectation under customary practice of continuing in that employment beyond the normal maximum retiring age, these Regulations shall have effect as though the references therein to “normal maximum retiring age” were references to the minimum age at which the officer or servant could have been required to retire if he had not lost his employment as an officer or servant in consequence of the relevant event, or, if there is no such age, his actual age at the time when he could have been required to retire if he had not lost his employment as aforesaid.