
STATUTORY INSTRUMENTS

1997 No. 1612

The Local Government Pension Scheme Regulations 1997

PART V

SPECIAL CASES

CHAPTER I

ELIGIBILITY

Miscellaneous transport employees

129.—(1) For these Regulations every employee of a subsidiary (other than a public transport company) of a passenger transport executive is deemed to be in employment with that executive.

(2) For these Regulations every employee of a public transport company (“the first company”) in relation to whom a resolution under regulation 4 of the Local Government Superannuation (Miscellaneous Provisions) Regulations 1986(1) has effect is deemed to be in employment with the passenger transport executive or district council which passed the resolution.

(3) If a person in relation to whom such a resolution has continued to have effect becomes an employee of another public transport company (“the second company”), then for these Regulations he is deemed to be in employment—

(a) if the second company’s controlling authority—

(i) is not the body which passed the resolution or a composite authority of which that body was a component council, but

(ii) is an authority which has, or a composite authority each of whose component councils has, passed such a resolution,

with the controlling authority of the second company (or, where that authority is a composite authority, with such one of its component councils as the authority may decide), and

(b) if the second company is a subsidiary of a passenger transport authority and has employees to whom paragraph (2) applies by virtue of such a resolution, with the passenger transport executive or district council which passed the resolution.

(4) If the undertaking of the first company is divided among two or more companies formed under section 61 of the Transport Act 1985(2) by a passenger transport authority, an employee of any one of those companies (“the transferee company”) in relation to whom such a resolution has continued to have effect is deemed for these Regulations to be in employment with the passenger transport executive which passed the resolution.

(5) Paragraphs (3) and (4) do not apply where the person in question becomes an employee covered by an admission agreement.

(1) S.I. 1986/380.

(2) 1985 c. 67.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) If a person to whom paragraph (2), (3) or (4) applies becomes an employee of a subsidiary of the first company, the second company or the transferee company, paragraph (2), (3) or (4), as the case may be, continues to apply to him as if he had remained an employee of the parent company.

(7) But those paragraphs cease to apply if the first company, the second company or, as the case may be, the transferee company ceases to be a public transport company.

(8) If a person is deemed to be employed by a Scheme employer under this regulation, references in these Regulations to employment by or under such an employer and all similar expressions include him.

(9) In this regulation—

- (a) “controlling authority”, “composite authority” and “component council” have the meanings given in section 72 of the Transport Act 1985(3), and
- (b) “subsidiary” has the meaning given in section 137(1) of that Act.

(3) 1985 c. 67.