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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

The Transport (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2023

PART 4

Bus Services: Local Services Franchises

**Duty to secure pension protection**

**32.**—(1) Paragraph (2) applies to a local transport authority which have made a franchising framework and which—

- (a) enter into a franchise agreement with a person under the franchising framework, or
- (b) enter into, in the circumstances described in article 24(2), any other agreement with a person for the provision of local services in the area to which the framework relates.

(2) The local transport authority must ensure that any agreement mentioned in paragraph (1) is made, in the event of there being any transferring employees, on terms—

- (a) that require the person to secure pension protection for every transferring employee,
- (b) that, where there are transferring employees, require the person—
  - (i) to procure a pensions statement which satisfies the requirements specified in article 35, and
  - (ii) to provide every transferring employee with a copy of any part of the statement which relates to that employee, and
- (c) that, so far as relating to—
  - (i) the requirement to secure pension protection described in sub-paragraph (a), and
  - (ii) the requirement to procure and provide the statement described in sub-paragraph (b),are enforceable against the person by every transferring employee.