
DRAFT STATUTORY INSTRUMENTS

2023 No.

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

PART 4

Bus Services: Local Services Franchises

Broadly comparable

34.—(1) For the purposes of article 33(b), the rights to acquire pension benefits count as being broadly comparable to, or better than, the rights which the transferring employee had as an employee of the relevant operator—

- (a) if the rights satisfy the condition specified in paragraph (2), or
- (b) if, in the situation described in paragraph (3), the rights satisfy all of the alternative conditions specified in paragraph (4).

(2) The condition is satisfied if the rights to acquire pension benefits that the transferring employee would have as an employee of the new operator mean that the employee would suffer no material detriment overall in terms of the employee's future accrual of pension benefits.

(3) The situation is that there are exceptional circumstances which mean that it would not be reasonably practicable for the new operator to grant rights to the transferring employee which satisfy the condition specified in paragraph (2).

(4) The alternative conditions are satisfied if—

- (a) the rights to acquire pension benefits granted to the transferring employee include arrangements to pay compensation to the transferring employee, and
- (b) the arrangements to pay compensation described in sub-paragraph (a) are such that the compensation is sufficient to offset the material detriment which would otherwise be suffered by the transferring employee.