



Transport Act 1962

1962 CHAPTER 46

PART II

DIVISION OF COMMISSION'S UNDERTAKING

Property and functions

34 Transfer of staff

- (1) The foregoing provisions of this Part of this Act shall not apply to rights and liabilities under an agreement for the rendering of personal services by any person (hereinafter referred to as " an employee ").
- (2) The rights and liabilities of the Commission under any such agreement with an employee who immediately before the vesting date is employed exclusively for the purposes of any part of the Commission's undertaking transferred to the Railways Board, the Docks Board, or the British Waterways Board shall be transferred to that Board.
- (3) The rights and liabilities of the Commission under such an agreement with an employee who immediately before the vesting date is by virtue of paragraph (b) of subsection (9) of section five of the Transport Act, 1947, treated as being in the employment of the London Transport Executive shall be transferred to the London Board.
- (4) The rights and liabilities of the Commission under any agreement with an employee who immediately before the vesting date is employed exclusively for the purposes of the part of the Commission's undertaking passing to the Hotel Company shall be transferred to the Hotel Company.
- (5) The rights and liabilities of the Commission under any agreement with an employee who immediately before the vesting date is employed wholly or mainly for the purposes of the business of any of the bodies listed in Part IV of the Fourth Schedule to this Act shall be transferred to the Holding Company.

Status: This is the original version (as it was originally enacted).

The reference in this subsection to Part IV of the Fourth Schedule to this Act shall have effect subject to Part VI of that Schedule.

- (6) The rights and liabilities of the Commission under any other such agreement shall be transferred to the Railways Board.
- (7) The Boards may before the vesting date enter into any arrangements with the Commission and any employee of the Commission for the determination of the employee's agreement on or before the vesting date and for the conclusion of a new agreement between the Board and the employee for the rendering of services to the Board, and the Commission may become a party to any arrangements between any of the Boards, or any other employer, and any of the Commission's employees for the transfer of those employees from the Commission to the new employer on or before the vesting date.
- (8) Any right to services transferred by this section shall have effect on and after the vesting date as a right not only to the service to which the agreement relates but also to any reasonably comparable service under the Board or company, to be selected by that body.

Any dispute between a Board or company and the other party to a service agreement as to what are reasonably comparable services for the purposes of this subsection may be reported to the Minister of Labour by the Board or company or the other party to the agreement and, if a dispute so reported is not otherwise disposed of, that Minister shall refer it for determination by the industrial court.

- (9) Any of the Boards and the said companies, and any person who is a party to any agreement which is modified by this section, may apply to the Minister to determine to which of the Boards or companies the rights and liabilities under any such agreement are transferred and the Minister's decision on the application shall be final.