

SCHEDULE B3

ELIGIBILITY FOR MEMBERSHIP: EMPLOYEES ETC. OF NON LGPS EMPLOYERS

5.—(1) Every employee of a subsidiary (other than a public transport company) of a passenger transport executive shall for the purposes of these regulations be deemed to be in employment with that executive.

(2) 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 shall for the purposes of these regulations be deemed to be in employment with the passenger transport executive or district council who 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 the purposes of these regulations he shall, unless he then becomes an admission agreement employee, be deemed to be in employment—

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

(i) is not the body who 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, also 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 sub-paragraph (2) applies by virtue of such a resolution, with the passenger transport executive or district council who 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 shall, unless he then becomes an admission agreement employee, for the purposes of these regulations be deemed to be in employment with the passenger transport executive who passed the resolution.

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

(6) Sub-paragraphs (2) to (4) cease to apply to a person if the first company, the second company or, as the case may be, the transferee company ceases to be a public transport company.

(7) In sub-paragraphs (1) to (6)—

(a) “controlling authority”, “composite authority” and “component council” have the meanings given in section 72 of the Transport Act 1985, and

(b) “subsidiary” has the meaning given in section 137(1) of that Act.

(1) S.I. 1986/380.

(2) 1985 c. 67.