
STATUTORY INSTRUMENTS

1969 No. 1824

**The British Transport (Pensions
of Employees) (No. 1) Order 1969**

**PART I
PRELIMINARY**

Commencement, citation and interpretation

1.—(1) This Order shall come into operation on the 31st December 1969 and, except as mentioned in paragraph (2) of this Article, shall have effect from the 30th October 1969.

(2) Article 7 of this Order shall have effect from the 1st January 1969, and Articles 10 and 12 to 14 of this Order shall have effect from the 31st December 1969.

(3) This Order may be cited as the British Transport (Pensions of Employees) (No. 1) Order 1969.

(4) In this Order, unless the context otherwise requires—

“the Act of 1962” means the Transport Act 1962;

“the Act of 1968” means the Transport Act 1968;

“the Act of 1969” means the Transport (London) Act 1969;

“beneficiary”, in relation to a pension scheme, means a person who has pension rights thereunder by virtue of the pensionable service of a member who has died or whose pension rights under the scheme have otherwise terminated;

“the Commission” means the British Transport Commission which was dissolved under the Act of 1962;

“the designated company” means the company (being a wholly owned subsidiary of the National Bus Company) designated under section 16(2) of the Act of 1969 ;

“employing body” means—

- (a) for a present member of an established scheme, the publicly owned transport body employing him,
- (b) for a past member of an established scheme, the publicly owned transport body in which is vested under such one or more of the following Acts as may be relevant, that is to say, the Transport Act 1947, the Act of 1962, the Act of 1968 and the Act of 1969, the particular undertaking, or the particular part of an undertaking (as the case may be), in connection with which he was employed immediately before his pensionable service ended,
- (c) for a beneficiary under an established scheme, the publicly owned transport body which would have been the employing body under the foregoing provisions of this definition for the member by virtue of whose pensionable service the pension rights of the beneficiary have arisen, if that member had not died or if his pension rights under the scheme had not otherwise terminated;

“established scheme” has the meaning given to that expression in Article 2(1) of this Order;

“the executive” means the London Transport Executive established under section 4 of the Act of 1969;

“the London Board” means the London Transport Board;

“the Minister” means—

- (a) for the purposes of matters relating only to the Scottish Transport Group (including any subsidiary of that group), the Secretary of State,
- (b) for the purposes of matters relating both to the Scottish Transport Group (including any subsidiary as aforesaid) and to other publicly owned transport bodies, the Minister of Transport and the Secretary of State acting jointly, and
- (c) for all other purposes, the Minister of Transport;

“member”, in relation to a pension scheme, means a person who has pension rights thereunder by virtue of his pensionable service, whether or not he is a participant therein, and “membership” shall be construed accordingly;

“national transport authority” means any of the following—

- (a) the British Railways Board,
- (b) the London Board,
- (c) the British Transport Docks Board,
- (d) the British Waterways Board,
- (e) the Transport Holding Company,
- (f) the National Freight Corporation,
- (g) the National Bus Company,
- (h) the Scottish Transport Group,
- (i) a subsidiary of any of the above bodies;

“past member”, in relation to a pension scheme, means a member whose pensionable service has ceased;

“pensionable service”, in relation to a member of a pension scheme, means service in respect of which pension rights accrue or have accrued under that scheme;

“present member”, in relation to a pension scheme, means a member whose pensionable service has not ceased;

“publicly owned transport body” means a national transport authority, the Executive, or a subsidiary of the Executive;

“relevant Transfer Order”, in relation to a transfer of liabilities or functions, means whichever of the following Orders is an Order under which the liabilities or functions in question have been or are transferred, that is to say, the No. 2 Order of 1962, the No. 3 Order of 1962, the No. 1 Order of 1968 and this Order;

“responsible body”, in relation to an established scheme, means—

- (i) where the scheme is one in relation to which the rights, liabilities and functions of the London Board are transferred by Part IV of this Order, the publicly owned transport body to which they are so transferred,
- (ii) where the scheme is one in relation to which the property, rights and liabilities of the Transport Holding Company were transferred by Part IV of the No. 1 Order of 1968, the national transport authority to which they were so transferred,

- (iii) where the scheme does not fall within (i) or (ii) above but is a scheme in relation to which the responsibility for making payments was placed, or the rights, liabilities and functions of the Commission were transferred, by the No. 2 or the No. 3 Order of 1962 (as the case may be), the national transport authority (or if more than one, any one of those authorities) on which that responsibility rests, or in which those rights, liabilities and functions are vested, immediately after the 1st January 1970,
- (iv) where the scheme does not fall within (i), (ii) or (iii) above but is a scheme in which employees of a body which is a subsidiary of a national transport authority specified in any of the heads (a) to (h) of the definition of that expression in this Article are participating immediately before the 1st January 1970, whichever of the said national transport authorities is the authority of which the said body is a subsidiary immediately after the 1st January 1970,

(v) in all other cases, the national transport authority which has established the scheme;

“subsidiary”, in relation to a national transport authority, has the same meaning as in the Act of 1962, and in this connection no account shall be taken of the provisions of section 51(5) of the Act of 1968;

“term”, in relation to a pension scheme, includes any rule or provision of the scheme, or of any statutory provision relating to the scheme, or of any deed or other instrument made for the purposes of the scheme;

“transport pension scheme” means a pension scheme which relates in whole or in part to the provision of pensions in respect of service rendered in the employment of a publicly owned transport body.

(5) References in this Order to the No. 1, 2, 3 or 4 Order of 1962, the No. 1 Order of 1964, or the No. 1 or 2 Order of 1968 are respectively references—

- (a) in the case of an Order of 1962 or 1964, to the British Transport Re-organisation (Pensions of Employees) Order so numbered of the year in question (1), and
- (b) in the case of an Order of 1968, to the British Transport (Pensions of Employees) Order so numbered of that year (2).

(6) Unless the context otherwise requires, references in this Order to the provisions of any enactment or instrument shall be construed as references to those provisions as amended, re-enacted or modified by or under any subsequent enactment or instrument.

(7) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act this Order were an Act of Parliament and the provisions revoked by Article 5 of this Order were provisions of an Act of Parliament thereby repealed.

Application of the Order

2.—(1) This Order applies to every established scheme, that is to say, to every transport pension scheme which is in existence on the 1st January 1970 and which is either—

- (a) an existing scheme within the meaning of the No. 1 Order of 1964, or
- (b) a pension scheme established under section 74 of the Act of 1962, or

(1) No. 1 Order 1962—S.I.1962/2714> (1962 III, p. 3688); No. 2 Order 1962—S.I.1962/2715> (1962 III, p. 3692); No. 3 Order 1962—S.I. 1962/2758 (1962 III, p. 3866); No. 4 Order 1962—S.I. 1962/2793 (1962 III, p. 4020); No. 1 Order 1964—S.I. 1964/1329 (1964 II, p. 3034).

(2) No. 1 Order 1968—S.I.1968/2011 (1968 III, p. 5450); No. 2 Order 1968—S.I. 1968/2012 (1968 III, p. 5462).

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- (c) a pension scheme which does not fall within (a) or (b) above but is a scheme in which employees of, or of a subsidiary of, the British Railways Board or the Transport Holding Company were participating immediately before the 1st January 1969, or
- (d) a pension scheme which does not fall within (a), (b) or (c) above but is a scheme in which employees of, or of a subsidiary of, the London Board are participating immediately before the 1st January 1970.

(2) Every established scheme shall, subject to the provisions of paragraph (3) of this Article, be construed and have effect as if the provisions of this Order were terms of the scheme, any other term thereof, whether express or implied, to the contrary notwithstanding, and each publicly owned transport body shall, for the purposes of giving effect to this Order, be bound by the terms of every such scheme.

(3) The rights to continue to participate in an established scheme given by this Order shall be additional to any similar rights existing under the terms of that scheme apart from the provisions of this Order and nothing in this Order shall derogate from such rights where they subsist.