



# Transport Act 1978

## 1978 CHAPTER 55

### *National Freight Corporation (finance)*

#### **20 Provisions supplementary to s. 19**

(1) In section 19 above and this section—

" the appointed day " means a day appointed for the purposes of that section and this section by an order made by the Secretary of State with the consent of the Treasury;

" prescribed " means prescribed by an order made by the Secretary of State with the consent of the Treasury;

" pension " and " pension scheme " mean the same as in the 1962 Act and " relevant pension scheme " means—

(a) a pension scheme in relation to which rights, liabilities and functions were conferred or imposed on N.F.C., N.C.L., or Freightliners Limited by an instrument made under or by virtue of any provision of the 1962 Act; or

(b) a pension scheme established by N.F.C., N.C.L., or Freightliners Limited for the provision of pensions for or in respect of persons who are or have at any time been employed by any of those bodies;

and a reference to N.C.L. or to Freightliners Limited shall be read as including a reference to its subsidiaries.

(2) Where at any time, whether before or after the appointed day, N.F.C., N.C.L., or Freightliners Limited make payments in respect of pensions payable under a prescribed pension scheme or increases in such pensions, the body making the payments shall be treated for the purposes of section 19 as being under an obligation at that time to make those payments.

(3) The funding of an obligation under section 19 shall not discharge the obligation so far as it is one to pay pensions or increases of pensions under the relevant pension scheme owed to the person to whom pensions or increases of pensions are or may become payable under the scheme or is an obligation to secure the payment of those pensions or increases.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) If the persons administering a prescribed pension scheme have no power to amend the scheme apart from this subsection, they may amend it by instrument in writing for the purpose of bringing it into conformity with any provision of section 19 or this section, or any order under either section; and the power of amending any such scheme apart from this subsection may for that purpose be exercised without regard to any limitations on the exercise of the power and without compliance with any procedural provisions applicable to its exercise.
- (5) Where it appears to N.F.C. that there is a doubt as to who are the persons administering a pension scheme, N.F.C. may by instrument in writing specify the persons who are to be treated for the purposes of section 19 and this section as the persons administering it.
- (6) Where any obligation of N.F.C., N.C.L. or Freightliners Limited is funded under section 19, or any obligation of the British Railways Board is funded under section 5 of the Railways Act 1974—
  - (a) any right of N.F.C., N.C.L. or Freightliners Limited to be indemnified by B.R. in respect of the funded obligation or part of it; or
  - (b) any right of B.R. to be so indemnified by N.F.C., N.C.L. or Freightliners Limited,shall be extinguished in proportion to the funding of the obligation.
- (7) For the purposes of section 19(3) above and section 5(2) of the Railways Act 1974 (equivalent provision as to British Rail pension schemes), a scheme shall not be taken to be amended by virtue only of the transfer effected by section 15(1) above or by any provision made by virtue of section 15(3) in consequence of the transfer.
- (8) Any power to make an order conferred by section 19 or this section shall be exercisable by statutory instrument; and any such instrument (other than one containing an order made by virtue of section 19(5)(a) or one appointing a day for the purposes of section 19 and this section) shall be subject to annulment by a resolution of the House of Commons.
- (9) An order under section 19 or this section may be varied or revoked by a subsequent order so made, but no order shall be made under section 19(4) after the end of 1979, except a varying or revoking order under that subsection.