SCHEDULES

SCHEDULE 6

SUPPLEMENTARY PROVISIONS WITH RESPECT TO TRANSFER UNDER SECTION 45

Pension schemes

7 (1) Subject to sub-paragraph (2), the provisions of section 74 of the Transport Act 1962 (Minister's powers to make provision about pensions in the nationalised transport industry) shall have effect on and after the appointed day as if—

(a) the expression "Board" included the successor company; and

(b) the references in subsection (1)(a)(ii) of that section to the Commission included references to the Corporation; and

(c) the reference in subsection (2)(a) of that section to a pension scheme in which employees of the Commission, or a subsidiary of the Commission, participated before the date there mentioned included a reference to a pension scheme in which employees of, or of a subsidiary of, the Corporation participated before the appointed day.

(2) Except on the application of the successor company, no order shall be made under the said section 74 on or after the appointed day which has the effect of placing the successor company or a subsidiary of the successor company in any worse position; but for this purpose the successor company or a subsidiary shall not be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.

(3) An order such as is mentioned in sub-paragraph (2) which is made without the application of the successor company shall not be invalid because in fact it does not have the effect of securing that the successor company and its subsidiaries are not placed in any worse position, but except in so far as the successor company approves the effect of the order the Minister shall as soon as may be make the necessary amending order.

(4) Subject to sub-paragraph (6), any order under the said section 74 and any regulations to which paragraph 17 of Schedule 7 to the [M1]Transport Act 1962 applies (which continues in force certain earlier pension provisions) which—

(a) are in force immediately before the appointed day; and

(b) relate to the Corporation, its employees or its pensions schemes,

shall continue in force, subject to any provision made by virtue of sub-paragraph (1), and as respects anything falling to be done on or after the appointed day shall have effect as if for any reference (however worded and whether express or implied) to the Corporation there were substituted a reference to the successor company.

(5) A person who on the appointed day—

(a) ceases to be employed by the Corporation and becomes employed by the successor company; or

(b) is employed by a company which immediately before the appointed day was a subsidiary of the Corporation but on that day becomes a subsidiary of the successor company,

shall not thereby cease to be eligible to participate in any pension scheme in which he was a participant immediately before the appointed day.

(6) Subject to sub-paragraph (5), a person who on or after the appointed day leaves or enters the employment of the group consisting of the successor company and its subsidiaries (in this sub-paragraph referred to as "the NFC group") shall not be eligible by virtue of any provision of an order under the said section 74 made before that day—

(a) to participate in any of the Corporation's pension schemes by reason of any employment outside the NFC group; or

(b) to participate in a pension scheme other than one of the Corporation's pension schemes by reason of his employment within the NFC group.

(7) In this paragraph—

(a) "participant", in relation to a pension scheme, means—

(i) in relation to a scheme under which benefits are or will be receivable as of right, a person who has pension rights under the scheme (whether he has contributed or not); and

(ii) in relation to a scheme under which benefits are not or will not be receivable as of right, a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) has contributed under the scheme and has pension rights thereunder;

and "participate" and "eligible to participate" shall be construed accordingly;

(b) "pension", "pension rights" and "pension scheme" have the same meaning as in section 74 of the [M2]Transport Act 1962; and

(c) references to the Corporation's pension schemes are to schemes established by the Corporation or in relation to which the rights, liabilities and functions of the Transport Holding Company were transferred to the Corporation by the [M3]British Transport (Pensions of Employees) (No. 1) Order 1968.

Marginal Citations

M1 1962 c. 46.

M2 1962 c. 46.

M3 S.I. 1968/2011.

Changes to legislation:
There are currently no known outstanding effects for the Transport Act 1980, Cross Heading: Pension schemes.