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STATUTORY INSTRUMENTS

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**1964 No. 1329**

**The British Transport Reorganisation  
(Pensions of Employees) (No. 1) Order 1964**

*Obligations of Employing Bodies*

8.—(1) Where in consequence of the provisions of this Order—

- (i) an existing scheme includes among its participants any person whose employing body is not the successor body, or one of the successor bodies, for that scheme, or
- (ii) an existing scheme has included among its participants any person whose employing body was not the successor body, or one of the successor bodies, for that scheme, and a pension or other benefit is payable thereunder in respect of that person's service in the employment of that employing body,

the following provisions shall apply in relation to that scheme—

- (a) the employing body aforesaid shall make such payments to the successor body or successor bodies by way of contributions towards the administrative expenses of the scheme or (subject to the provisions of paragraph (2) of this Article) towards any payments which any successor body is obliged to make in the discharge of the liabilities, or in the performance of the functions, transferred to it by the appropriate Transfer Order in relation to the scheme, or to implement any guarantee given by such successor body or binding upon it by virtue of the provisions of that Order in relation to the scheme, as may be equitable having regard to all the circumstances of the case, including the number of participants, or former participants, who are or were in the employment of that employing body (being participants whose continuing or resumed participation depends, or has depended, upon the provisions of this Order), and in the case of any disagreement between the employing body and any successor body, or between the successor bodies themselves, as to their obligations under this Article, the matter shall on the application of any of the bodies concerned be determined by the Minister whose decision shall be final; and
- (b) the Minister may, on the application of the employing body aforesaid or of any successor body, direct that any power in relation to that scheme (whether a power of appointing trustees, amending rules, approving the admission of members, or otherwise howsoever in relation to that scheme) exercisable by any successor body shall be exercisable by the employing body to such extent (whether instead of such successor body or jointly with that body) and in such manner as may appear to the Minister to be appropriate, and where any such direction is so given the terms of the scheme shall, whilst the direction remains in force, have effect subject to the provisions of the direction.

(2) Except in pursuance of an agreement made, with the consent of the Minister, between the employing body and the successor body concerned, the employing body shall not by virtue of paragraph (1) of this Article be required to make any payment to any successor body by way of a contribution towards any payments which the successor body is obliged to make in the discharge of any liability transferred to it by the appropriate Transfer Order, being a liability in connection with any pension fund monies which were deposited with the Commission before the vesting date for the purposes of any existing scheme.