
STATUTORY INSTRUMENTS

1969 No. 1824

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

PART II

**REPLACEMENT, ADAPTATION AND EXTENSION
OF PROVISIONS OF CERTAIN ORDERS**

Obligations of employing bodies

3.—(1) Where in consequence of a statutory provision specified in paragraph (4) of this Article the employing body for any present member of an established scheme is not the responsible body, or one of the responsible bodies, for that scheme, then—

- (a) any sums required by the terms of that scheme to be paid by that member as his contributions to the scheme shall be deducted by the employing body from his salary or wages and shall be paid by that body in accordance with those terms to the trustees of, or persons administering, the scheme; and
- (b) any sums required by the terms of that scheme to be paid in respect of that member by his employer as the employer's contributions to the scheme shall be paid by the employing body in accordance with those terms to the trustees of, or persons administering, the scheme.

(2) Where in consequence of a statutory provision specified in paragraph (4) of this Article the employing body for any present members or past members of, or beneficiaries under, an established scheme is not the responsible body, or one of the responsible bodies, for that scheme, then—

- (a) the employing body shall make such payments to the responsible body or bodies by way of contributions towards the administrative expenses of the scheme or (subject to the provisions of paragraph (3) of this Article) towards any payments which the responsible body in question is obliged to make in the discharge of the liabilities, or in performance of the functions, transferred to it under a relevant Transfer Order in relation to the scheme, or to implement any guarantee given by such responsible body or binding upon it by virtue of the provisions of such Transfer Order in relation to the scheme, as may be equitable having regard to all the circumstances of the case, including the number of present members, past members and beneficiaries involved, and to any obligations or benefits (including past or prospective obligations or benefits) of the employing body or of, or in relation to, such present members, past members and beneficiaries as aforesaid, and in the case of any disagreement between the employing body and any responsible body or between any responsible bodies themselves, as to their obligations under this paragraph, the matter shall on the application of any of the bodies concerned be determined by the Minister, whose decision shall be final;
- (b) the Minister may, on the application of the employing body or of any responsible body, and after consultation with any other body concerned, direct that any power in relation to that scheme (whether a power of appointing trustees, amending rules, approving the

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admission of members, or otherwise howsoever in relation to that scheme) exercisable by the responsible body or bodies for the scheme shall be exercisable by the employing body to such extent (whether instead of the responsible body or bodies or jointly with such body or bodies) 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.

(3) Except in pursuance of an agreement made, with the consent of the Minister, between the employing body and the responsible body or bodies concerned, the employing body shall not by virtue of paragraph (2) of this Article be required to make any payment to any responsible body by way of a contribution towards any payments which the responsible body is obliged to make in discharge of any liability transferred to it by a relevant Transfer Order, being a liability in connection with any pension fund monies which were deposited with the Commission before the 1st January 1963 for the purposes of any established scheme.

(4) The statutory provisions referred to in paragraphs (1) and (2) of this Article are any provision of—

- (a) the Act of 1962,
- (b) the Act of 1968,
- (c) the Act of 1969,
- (d) any order or scheme made under any of the said Acts.

Persons having pension rights under an established scheme and becoming members or directors of a publicly owned transport body

4. Where a person who has pension rights under an established scheme by virtue of his employment by the Commission or a publicly owned transport body is on the 30th October 1969 or becomes on or after that date, a member or director of a publicly owned transport body and holds his office as such a member or director full time and at a salary, he shall be entitled to be treated for the purposes of that scheme as if his service as such a member or director were service in the employment of such a body, and as if, where that service immediately precedes or follows other service which is, or is to be treated as, service in the employment of a publicly owned transport body, the two periods of service were continuous.

Revocation of provisions

5. Articles 13 and 14 of the No. 3 Order of 1962 and Articles 7 and 8 of the No. 1 Order of 1964 (which make provision corresponding to Article 3 of this Order), Article 16 of the No. 3 Order of 1962 (which makes provision corresponding to Article 4 of this Order) and Article 4 of the No. 1 Order of 1968 (which adapts and extends Articles 13, 14 and 16 of the No. 3 Order of 1962) are hereby revoked.

Interavailability of pension schemes

6.—(1) The No. 1 Order of 1964 (which enables employees of one national transport authority to continue to participate in or to re-enter pension schemes of another national transport authority), (except Article 5 thereof), as amended by Article 3 of the No. 1 Order of 1968, shall have effect as if—

- (a) (except in relation to the cases mentioned in paragraph (2) of this Article) the expression “Board” in the said Order of 1964 included the Executive, and
- (b) the expression “existing scheme” in that Order included any established scheme as defined in this Order.

- (2) The cases referred to in paragraph (1) of this Article are—
- (a) where a member of a pension scheme specified in Part 1 of the Schedule to this Order ceases, after the 1st January 1970, to be in the employment of the Executive or of a subsidiary of the Executive (otherwise than by reason of a transfer under section 21 or 22 of the Act of 1969) and enters the employment of a national transport authority;
 - (b) where a member of an established scheme (not being a pension scheme specified in Part 1 of the Schedule to this Order or referred to in Article 12(2) of this Order) ceases, after the 1st January 1970, to be in the employment of a national transport authority (otherwise than as aforesaid) and enters the employment of the Executive or of a subsidiary of the Executive.

Amendment of No. 1 Order of 1968

7. In Article 11 of the No. 1 Order of 1968 (which makes provision as to the transfer of property, rights and liabilities of the Transport Holding Company relating to pension schemes) there shall be inserted after paragraph (2) the following paragraph:—

“(2A) Without prejudice to the foregoing provisions of this Article, the following provisions shall have effect in relation to the Railway Clearing System Superannuation Fund Scheme on and after the 1st January 1969:—

- (a) the Freight Corporation shall be regarded as an Assenting Contributing Body within the meaning of, and for all the purposes of, that scheme, and
- (b) the Freight Corporation shall be regarded for the purposes of that scheme as the employer of every member thereof who becomes, or is, employed by a subsidiary of that Corporation on or at any time after the 1st January 1969.”.