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STATUTORY INSTRUMENTS

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**1969 No. 1825**

**The British Transport (Pensions  
of Employees) (No. 2) Order 1969**

*Commencement, citation and interpretation*

1.—(1) This Order shall come into operation on the 31st December 1969 and shall have effect from the 30th October 1969.

(2) This Order may be cited as the British Transport (Pensions of Employees) (No. 2) Order 1969.

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

“accrued pension rights” has the meaning assigned to that expression in paragraph (4) of this Article;

“an actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

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

“discharged officer” means an officer who loses his employment as an officer by reason of a relevant event (the cause of the loss having arisen not later than the end of 10 years after the date of the event in question) and who does not thereupon enter the employment of another publicly owned transport body, and “discharge” in relation to a discharged officer means such loss of employment;

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

“funded scheme” means a scheme, not being an insurance scheme, which relates in whole or in part to providing pensions in respect of service rendered in the employment of a publicly owned transport body, such pensions being payable out of a fund held by any person for the purposes of the scheme;

“general scheme” means a scheme, not being a funded scheme or an insurance scheme, which relates in whole or in part to providing pensions in respect of service rendered in the employment of a publicly owned transport body;

“insurance scheme” means a scheme for providing pensions in respect of service rendered in the employment of a publicly owned transport body by way of contracts or policies made or effected with an insurance company carrying on life assurance business within the meaning of the Insurance Companies Act 1958 (including contracts or policies made with such a company for the purpose of implementing any form of private superannuation fund);

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

“the Minister” means the Minister of Transport;

“national transport authority” means any of the following—

(a) the British Railways Board,

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- (b) the London Transport 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;

“non-participating employment” has the meaning assigned to it by section 56(1) of the National Insurance Act 1965;

“normal retiring age” means—

- (a) in relation to a discharged officer who immediately before his discharge was, by virtue of the terms of his employment or the terms of the pension scheme associated with that employment, subject to a requirement to retire from that employment before attaining the age of 65 years (if a man) or 60 years (if a woman), the age at which he would have been required by those terms to retire if he had not been discharged,
  - (b) in relation to a discharged officer who immediately before his discharge had the right of continuing in his employment as an officer beyond the age of 65 years (if a man) or 60 years (if a woman), the minimum age at which he could, by the terms of his employment or the terms of his pension scheme, be required to retire or, if there is no such age, his actual age at the time when he could have been required by those terms to retire if he had not been discharged,
- and
- (c) in all other cases, 65 years for men and 60 years for women;

“officer” means a person employed (whether as a member, director or holder of some other office or appointment, or as a servant) by any of the following bodies, that is to say—

- the British Railways Board,
- the London Transport Board,
- the National Bus Company,
- the Executive,

a subsidiary of any of the foregoing bodies, and

“employment as an officer” means such employment by any of those bodies;

“pensionable service”, in relation to a person having pension rights, means service ranking for benefit under his pension scheme;

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

“relevant event” means any one of the events specified in paragraph (a), (b) or (c) of section 37(1) of the Transport (London) Act 1969;

“responsible body”, in relation to a pension scheme under which pensions are provided in respect of service rendered in the employment of a publicly owned transport body, means—

- (i) where the scheme is one in relation to which the rights, liabilities and functions of the London Transport Board are transferred by the British Transport (Pensions of

Employees) (No. 1) Order 1969(1), 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 British Transport (Pensions of Employees) (No. 1) Order 1968(2), 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 British Transport Reorganisation (Pensions of Employees) (No. 2) Order 1962(3), or the British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962(4) (as the case may be), the national transport authority (or if more than one, any one of those authorities) on which that responsibility for the time being rests, or in which those rights, liabilities and functions are for the time being vested,
- (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 publicly owned transport body which has established the scheme; “subsidiary”, in relation to a publicly owned transport body, has the same meaning as in the Transport Act 1962 (the provisions of section 51(5) of the Transport Act 1968 being disregarded); and

“tribunal” means a tribunal established under section 12 of the Industrial Training Act 1964

(4) In this Order the expression “accrued pension rights”, in relation to a discharged officer, means any right to the payment on or after his reaching normal retiring age or on or after the happening of any other contingency (which expression includes the exercise of any right to receive a pension on retirement before reaching normal retiring age) carrying entitlement to pension under his scheme—

- (a) if his scheme is an insurance scheme, of the pension which would have been payable to or in respect of him by virtue of any premiums paid by or in respect of him under the scheme up to the date of his discharge; or
- (b) if his scheme is a funded scheme or a general scheme and the scheme is a scheme under which the pension rights are related by some specific proportion to pensionable service and pensionable emoluments, of a pension payable to or in respect of him calculated at such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable service as would have been applicable under that scheme in the calculation of the pension, if he had at the date of his discharge reached normal retiring age, or, as the case may be, if the other contingency had then happened and there had been no requirement of the scheme as to a minimum qualifying period of service; or
- (c) if his scheme is a funded scheme or a general scheme and the scheme is a scheme under which the pension rights are not related by some specific proportion to pensionable service and pensionable emoluments, of a pension payable to or in respect of him calculated on reaching normal retiring age or, as the case may be, on the happening of the other contingency, as follows:—

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(1) (1969 III, p. 5668).  
(2) (1968 III, p. 5450).  
(3) (1962 III, p.3692).  
(4) (1962 III, p. 3866).

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- (i) on reaching normal retiring age, the pension which would have been payable under the scheme had he continued to be a member of the scheme until that age without increase of emoluments, but reduced in the proportion which the number of years of pensionable service under the scheme before the date of his discharge bears to the number of years of pensionable service which he would have rendered had he continued to be a member of the scheme until normal retiring age; or
- (ii) on the happening of the other contingency, the pension which would have been payable under the scheme if the contingency had happened on the date of his discharge with the corresponding emoluments and length of service and there had been no requirement of the scheme as to a minimum qualifying period of service:

Provided that for the purpose of ascertaining the amount of any pension under subparagraphs (b) and (c) of this paragraph no account shall be taken of any right to payments of pension on account of temporary periods of incapacity which exceed in total amount or total period of payment the maximum amount or period laid down in the relevant scheme.

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

(6) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.