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STATUTORY INSTRUMENTS

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**1996 No. 1900 (S.152)**

**TRANSPORT**

**PENSIONS AND COMPENSATION**

**The Scottish Transport Group (Pension Schemes) Order 1996**

<i>Made</i>	- - - -	<i>19th July 1996</i>
<i>Laid before Parliament</i>		<i>22nd July 1996</i>
<i>Coming into force</i>	- -	<i>14th August 1996</i>

The Secretary of State, in exercise of the powers conferred by section 74(1) and (3) of the Transport Act 1962(1), as read with section 12 of the Transport (Scotland) Act 1989(2), and all other powers enabling him in that behalf, and having taken account of representations made by the persons administering the schemes to which this Order applies, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Scottish Transport Group (Pension Schemes) Order 1996 and shall come into force on 14th August 1996.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires—

“funds” means all moneys or assets belonging to or from time to time received in respect of the Staff Pension Fund or the Transport Operatives Pension Scheme, as the case may be;

“Scottish Bus Group” means the company of that name established under the Companies Acts and registered in Scotland, number 13181, being a wholly owned subsidiary of Scottish Transport Group;

“Scottish Transport Group” means the public authority established under section 24(1)(b) of the Transport Act 1968(3);

“Staff Pension Fund” means the Scottish Transport Group Staff Pension Fund established by a Trust Deed dated 16th January 1946 between The Scottish Motor Traction Company Limited and Others;

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(1) 1962 c. 46; section 74 was amended by the Employment Protection (Consolidation) Act 1978 (c. 44), section 130 and Schedule 10, paragraph 21; the powers conferred by section 74 were vested in the Secretary of State by S.I.1981/238.  
(2) 1989 c. 23.  
(3) 1968 c. 73.

“Transport Operatives Pension Scheme” means the Scottish Transport Group Transport Operatives Pension Scheme established by a Trust Deed dated 15th April 1974 between Scottish Bus Group Limited and Others; and

“Trustees” means the trustees of and the persons responsible from time to time for the administration of the Staff Pension Fund and the Transport Operatives Pension Scheme, as the case may be.

(2) Any reference to a numbered article shall be a reference to the article bearing that number in this Order and any reference in an article to a numbered paragraph shall be a reference to the paragraph bearing that number in that article.

### **Application**

3. This Order applies to—

- (a) the Staff Pension Fund, and
- (b) the Transport Operatives Pension Scheme,

which shall each be construed and have effect as if the relevant provisions of this Order were terms of or applicable to that Fund and that Scheme notwithstanding any other contrary terms whether express or implied.

### **Winding up**

4. The Staff Pension Fund and the Transport Operatives Pension Scheme shall be wound up as soon as reasonably practicable following the date of coming into force of this Order.

### **Transfer of Assets**

5.—(1) On the winding up of the Staff Pension Fund and the Transport Operatives Pension Scheme in accordance with article 4 the Trustees shall make provision for the payment and transfer of the funds in accordance with paragraph (2).

(2) The Trustees shall—

- (a) make payment from the funds of all costs, charges and expenses of the winding up; and
- (b) transfer any balance of the funds to Scottish Bus Group.

(3) Any balance of the funds transferred to Scottish Bus Group in accordance with paragraph (2) shall be applied by it in terms of the Scottish Bus Group Disposal Programme prepared by the Secretary of State for Scotland under section 1 of the Transport (Scotland) Act 1989(4).

### **Transfer of Liability or Obligation**

6.—(1) Any liability or obligation of the Trustees under the terms of the Staff Pension Fund or the Transport Operatives Pension Scheme shall, following the transfer of any balance of funds in accordance with article 5(3), be transferred by virtue of this Order to Scottish Bus Group and shall become its liability or obligation.

(2) Any liability or obligation transferred in accordance with paragraph (1) shall be dealt with by Scottish Bus Group in terms of the Scottish Bus Group Disposal Programme referred to in article 5(3).

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(4) 1989 c. 23. Copies of the Scottish Bus Group Disposal Programme may be obtained free of charge from the Scottish Office Development Department, Victoria Quay, Edinburgh.

St Andrew's House,  
Edinburgh  
19th July 1996

*James Douglas-Hamilton*  
Minister of State, Scottish Office

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the winding up of two Scottish Transport Group Pension Schemes.

As part of the eventual dissolution of the Scottish Transport Group under the Transport (Scotland) Act 1989 alternative pension arrangements were made for then existing and former employees, leaving the pension schemes concerned to be wound up. Any surplus funds or any deficit would go eventually to Scottish Transport Group to be dealt with in the Order dissolving that body.

The powers of the Trustees have been found to be insufficient to deal with the wind up and the transfer of the surplus funds and this is achieved by means of this Order.

The schemes are to be wound up (article 4) and any surplus funds transferred to Scottish Bus Group (article 5(3)).

The Order also provides for the transfer of the liabilities and obligations of the Trustees of the Schemes (article 6).