

## SCHEDULE

Article 9

**THIS DEED OF ESTABLISHMENT AND PARTICIPATION** is made on 1st July 2004 between the British Transport Police Authority (the “Participating Employer”) and Railways Pension Trustee Company Limited as Trustee of the Scheme (the “Trustee”).

**1. In this Deed:**

“Pension Trust” means the Railways Pension Scheme Trust which governs the Scheme, as amended from time to time.

“Rules” means the rules adopted as the rules of the Section under Clause 2 of this Deed.

“Scheme” means the Railways Pension Scheme established by the Railways Pension Scheme Order 1994 (SI 1994/1433).

“Section” means the British Transport Police Shared Cost Section established under Clause 2 of this Deed.

Other expressions have the same meaning as in the Pension Trust.

**2.** The Participating Employer establishes the Section on and with effect from 1 July 2004 and adopts, together with the Pension Trust and this Deed, the Rules of the BR Shared Cost Section of the Railways Pension Scheme as at 30<sup>th</sup> June 2004.

**3.** The Participating Employer agrees to comply with the provisions of the Pension Trust, the Rules and this Deed.

**4.** The Participating Employer agrees to be the Designated Employer for the purposes of the Section.

**5.** The Participating Employer as Designated Employer agrees that any nominations for the directors of Railtrust Holdings Limited shall be treated equally as nominations for directors of the Trustee and agrees that Railtrust Holdings Limited shall appoint its directors accordingly.

**6.** The Participating Employer agrees that in relation to the Section the Actuary shall act jointly with the Government Actuary and that references in the Pension Trust and Rules to the “Actuary” are to be read as references to the Actuary and the Government Actuary.

**7.** The Participating Employer and the Trustee agree that in relation to the Section the prior consent of the Secretary of State shall be obtained to the following:

- (i) a different contribution rate under Rule 3B;
- (ii) use of the Surplus Assets (Rule 20) provided that such consent shall not be required where surplus assets are used only to make good a reduction (pursuant to Rule 21(iv));
- (iii) increases in contributions in the event of a shortfall (Rule 21) provided that such consent shall not be required where the Designated Employer and the Trustees have not reached agreement and the provisions of paragraphs (i), (ii) and (iii) of Rule 21 (Shortfall) apply;
- (iv) any amendment to the Rules of the Section which may affect the assets or liabilities of the Section.

The consent of the Secretary of State shall not be required under (i) to (iv) above where the proposed changes are necessary to avoid prejudicing Revenue Approval, to comply with Schedule 11 to the Railways Act 1993 (1993 c. 43) or any provisions which have effect by virtue of an order made under that Schedule, or to comply with the Contracting-Out Laws.

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

**8.** The Trustee and the Participating Employer agree that as soon as it is received by the Trustee, the Trustees shall give a copy of that part of the annual audited accounts and a copy of each valuation which relates to the Section to the Secretary of State.