

SCHEDULES

SCHEDULE 11

PENSIONS

Interpretation

1 (1) In this Schedule—

“eligible persons”, in the case of any pension scheme, means—

- (a) any person who is an employee of—
 - (i) the Board or any subsidiary of the Board, or
 - (ii) a publicly owned railway company or a franchise company, and
- (b) any other person whose membership of that scheme would not prejudice any approval of the scheme for the purposes of Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 (retirement benefit schemes),

but does not include any such person as is mentioned in paragraph (a) above who participates in the Transport Police scheme;

“employment” means employment under a contract of service or apprenticeship (whether express or implied and, if express, whether oral or in writing), and cognate expressions shall be construed accordingly;

“existing scheme” means any occupational pension scheme (other than a new scheme)—

- (a) which is a scheme for the provision of pensions for or in respect of persons with service in the railway industry (whether or not pensions may also be provided under the scheme for or in respect of persons without such service); and
- (b) which the Secretary of State by order designates as an existing scheme for the purposes of this Schedule;

“the joint industry scheme” means such occupational pension scheme as the Secretary of State may by order designate as the joint industry scheme for the purposes of this Schedule;

“member”, in relation to a pension scheme, means—

- (a) any person who participates in that scheme;
- (b) any pensioner under that scheme; and
- (c) any other person who has pension rights under that scheme;

and “membership” shall be construed accordingly;

“new scheme” means an occupational pension scheme established under paragraph 2 below;

“occupational pension scheme” has the meaning given in section 1 of the Pension Schemes Act 1993;

Status: This is the original version (as it was originally enacted).

“participant”, in relation to a pension scheme or a section of a pension scheme, means a person to whom pension rights are accruing under the scheme or section by virtue of his employment in a class or description of employment to which the scheme or section relates; and cognate expressions shall be construed accordingly;

“pension”, in relation to any person, means a pension of any kind payable to or in respect of him, and includes a lump sum, allowance or gratuity so payable and a return of contributions, with or without interest or any other addition;

“pension rights”, in relation to any person, includes—

- (a) all forms of right to or eligibility for the present or future payment of a pension to or in respect of him; and
- (b) a right of allocation in respect of the present or future payment of a pension;

“prescribed” means specified in, or determined in accordance with, an order made by the Secretary of State;

“protected person” has the meaning given by paragraph 5 below;

“the Transport Police scheme” means such one of the schemes for the provision of pensions for or in respect of persons with service as officers of the British Transport Police Force (whether or not pensions may also be provided under the scheme for or in respect of persons without such service) as the Secretary of State may by order designate as the Transport Police scheme for the purposes of this Schedule;

“trustees”, in relation to any pension scheme, includes a reference to any persons who, under the rules of the scheme, are under a liability to provide pensions or other benefits but who are not trustees of the scheme.

- (2) Any reference in this Schedule to a pension scheme includes a reference to the scheme as amended under or by virtue of this Schedule.
- (3) Any power to make an order under or by virtue of this Schedule in relation to an existing scheme, the joint industry scheme, a new scheme, the Transport Police scheme, or a designated scheme within the meaning of paragraph 10 below shall be exercisable notwithstanding that the occupational pension scheme in question only becomes such a scheme by virtue of its establishment or designation as such in the instrument which contains the order in question; and references to such schemes shall be construed accordingly.
- (4) Subject to sub-paragraph (1) above, expressions used in this Schedule and in Part I or II of this Act have the same meaning in this Schedule as they have in that Part.