

---

STATUTORY INSTRUMENTS

---

**1968 No. 2011**

**The British Transport (Pensions  
of Employees) (No. 1) Order 1968**

**PART I**

**PRELIMINARY**

**Commencement, citation and interpretation**

**1.**—(1) This Order shall come into operation on the 31st December 1968 and, except as mentioned in paragraph (2) of this Article, shall have effect from the 18th November 1968.

(2) Article 6 and Articles 8 to 12 of this Order shall have effect from the 31st December 1968.

(3) This Order may be cited as the British Transport (Pensions of Employees) (No. 1) Order 1968.

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

“the Act” means the Transport Act 1968;

“appropriate body”, in relation to an established scheme, means—

- (i) where the scheme is one in relation to which the property, rights and liabilities of the Holding Company are transferred by Part IV of this Order, the nationalised transport body to which they are so transferred,
- (ii) where a scheme does not fall within (i) above but is a scheme in relation to which the responsibility for making payments was placed, or the rights, liabilities and functions of the British Transport Commission were transferred, by the British Transport Reorganisation (Pensions of Employees) (No. 2) Order 1962<sup>(1)</sup> or the British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962<sup>(2)</sup> (as the case may be), the nationalised transport body (or if more than one, any one of those bodies) on which that responsibility rests, or in which those rights, liabilities and functions are vested, immediately after the 1st January 1969,
- (iii) where the scheme does not fall within (i) or (ii) above but is a scheme in which employees of a nationalised transport body which is a subsidiary of a Board or the Holding Company are participating immediately before the 1st January 1969, whichever of the following bodies, namely, a Board, a new authority and the Holding Company, is the body of which the said nationalised transport body is a subsidiary immediately after the 1st January 1969,
- (iv) in all other cases, the nationalised transport body which has established the scheme;

“Board” means any of the following bodies, namely—

- the British Railways Board,
- the London Transport Board,

---

(1) (1962 III, p. 3692).

(2) (1962 III, p. 3866).

---

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

---

the British Transport Docks Board, and  
the British Waterways Board;

“the Bus Company” means the National Bus Company established under section 24 of the Act;

“established scheme” has the meaning given to that expression in Article 2(1) of this Order;

“the freightliner company” and “the freight sundries company” mean the companies so referred to in section 5(2) of the Act;

“the Freight Corporation” means the National Freight Corporation established under section 1 of the Act;

“the Holding Company” means the Transport Holding Company;

“the Minister” means—

- (a) for the purposes of matters relating only to the Scottish Group (including any subsidiary of that Group), the Secretary of State,
- (b) for the purposes of matters relating both to the Scottish Group (including any subsidiary as aforesaid) and to other nationalised transport bodies, the Minister of Transport and the Secretary of State acting jointly, and
- (c) for all other purposes, the Minister of Transport;

“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;

“nationalised transport body” means any of the following—

- (a) a Board,
- (b) the Holding Company,
- (c) a new authority,
- (d) a subsidiary of a Board, the Holding Company or a new authority;

“new authority” means any of the following bodies, namely—

the Freight Corporation,  
the Bus Company, and  
the Scottish Group;

“past member”, in relation to a pension scheme, means a member whose pensionable service has ceased;

“the Railways Board” means the British Railways Board;

“the Scottish Group” means the Scottish Transport Group established under section 24 of the Act;

“subsidiary”, in relation to a nationalised transport body, has the same meaning as in the Transport Act 1962, and in this connection no account shall be taken of the provisions of section 51(5) of the Act;

“term”, in relation to a pension scheme, includes any rule or provision of the scheme, or of any statutory provision relating to the scheme, or of any trust deed or other instrument made for the purposes of the scheme; and

“transport pension scheme” means a pension scheme which relates in whole or in part to the provision of pensions in respect of service rendered in the employment of a nationalised transport body.

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

### **Application of the Order**

**2.—**(1) This Order applies to every established scheme, that is to say, to every transport pension scheme which is in existence on the 1st January 1969 and which is either—

- (a) an existing scheme within the meaning of the British Transport Re-organisation (Pensions of Employees) (No. 1) Order 1964<sup>(3)</sup>, or
- (b) a pension scheme established under section 74 of the Transport Act 1962, or
- (c) any other pension scheme in which employees of, or of a subsidiary of, the Railways Board or the Holding Company are participating immediately before the 1st January 1969.

(2) Every established scheme shall, subject to the provisions of paragraph (3) of this Article, be construed and have effect as if the provisions of this Order were terms of the scheme, any other term thereof, whether express or implied, to the contrary notwithstanding, and each nationalised transport body shall, for the purposes of giving effect to this Order, be bound by the terms of every such scheme.

(3) The rights to continue to participate in or to enter or re-enter an established scheme given by this Order shall be additional to any similar rights existing under the terms of that scheme apart from the provisions of this Order and nothing in this Order shall derogate from such rights where they subsist.

---

<sup>(3)</sup> (1964 II, p. 3034).