STATUTORY INSTRUMENTS

1977 No. 699

TRANSPORT

PENSIONS AND COMPENSATION

The British Railways Board (Pension Funds Investment Provisions) Order 1977

Made - - - -	18*th April* 1977
Laid before Parliament	25*th April* 1977
Coming into Operation	16*th May* 1977

The Secretary of State for Transport, in exercise of powers conferred by section 74 of the Transport Act 1962(**a**), and now vested in him(**b**), and of all other enabling powers, hereby makes the following Order:—

Commencement, citation and interpretation

1.—(1) This Order shall come into operation on 16th May 1977, and may be cited as the British Railways Board (Pension Funds Investment Provisions) Order 1977.

(2) In this Order—

"the Board" means the British Railways Board;

"pension fund nominee company" means a company which has been established by the Board for holding investments of pension funds administered by the Board and which is for the time being a wholly-owned subsidiary of the Board;

"the persons administering", in relation to a pension fund, means the persons responsible for administering the fund under the terms applicable thereto, and includes the trustees of the fund;

"term", in relation to a pension fund to which this Order applies, includes any rule or provision of the fund, or of any statutory provision relating to the fund, or of any deed or other instrument made for the purposes of the fund.

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

Application of Order

2.—(1) This Order applies to the following pension funds of the Board:—

(*a*) The British Railways Superannuation Fund (Amalgamated Sections),

(*b*) The Great Western Railway Supplemental Pensions Reserve Fund,

(*c*) The Great Eastern Railway New Pension Fund and New Pension (Supplemental) Fund Trust Account, and

(**a**) 1962 c. 46. (**b**) S.I. 1970/1681 (1970 III, p. 5551). (**c**) 1889 c. 63.

(*d*) The North Eastern and Great Eastern Superannuation Societies and Pension Funds Joint Trust Account.

(2) A pension fund to which this Order applies shall be construed and have effect as if the relevant provisions of this Order were terms of, or applicable to, the fund, any other term thereof, whether expressed or implied, to the contrary notwithstanding.

Power of Board to act by officers or by Committee

3.—(1) In the exercise of any of their functions as the persons administering a pension fund to which this Order applies the Board may—

(*a*) act by their proper officers,

(*b*) from time to time delegate the exercise of any of their duties, powers or discretions as the persons administering the fund to a Committee appointed by the Board.

(2) Any such Committee as is mentioned in paragraph (1) above may consist wholly of members of the Board or wholly of other persons or partly of such members and partly of other persons.

(3) Where in relation to a pension fund the Board avail themselves of a facility given by paragraph (1) above, they shall be liable to the members of, and the beneficiaries in, the fund for the acts and omissions of the Board's proper officers, or of the Committee, as the case may be, to the same extent as if such acts and omissions had been acts and omissions of the Board themselves.

Holding and management of investments

4.—(1) The provisions of this Article shall have effect with regard to the investments of each pension fund to which this Order applies, and to the making, variation and realisation of such investments.

(2) Any investments of the pension fund may be held by a pension fund nominee company.

(3) Such company shall cause the income arising from the investments held by it to be paid to such persons and at such times and in such manner as the Board may from time to time require for the purpose of enabling the income to be applied for investment, or in making payments to the persons entitled thereto in accordance with the relevant terms of the fund.

(4) Such company shall from time to time by realisation of investments held by it raise all such sums as the Board may from time to time require to be raised for re-investment or for the purpose of making payments to the persons entitled thereto in accordance with the relevant terms of the fund.

(5) The Board may make such arrangements as they think fit for the execution of transfers of investments of the fund.

(6) The Board may from time to time appoint some competent and responsible person (who may be a body corporate) to advise upon the investment of the fund, may from time to time delegate to any such person the management of the investments of all or any part of the fund, and may in respect of such advice or management and any other related services rendered by such person pay such remuneration as the Board shall from time to time determine.

(7) The Board shall be liable to the members of, and the beneficiaries in, the fund for the acts and omissions of such nominee company, and for the acts and omissions of such adviser occurring in the course of such delegated management, to the same extent as if such acts and omissions had been acts and omissions of the Board themselves.

18th April 1977.

William Rodgers,
Secretary of State for Transport.

EXPLANATORY NOTE

(This Note does not form part of the Order.)

This Order confers additional powers on the British Railways Board as the trustees of certain of the Board's old pension funds to which new members are not now admitted. These funds are specified in Article 2. The power for the Board to act by their proper officers or to delegate functions to a Committee is conferred by Article 3. Article 4 enables the Board to use a nominee Company (which is a wholly-owned subsidiary of the Board) to hold and manage the investments in accordance with the Board's requirements and also to appoint a competent and responsible person to advise on investment. The Board are made responsible to the members and beneficiaries of the fund concerned for the acts and omissions of the Board's officers and of any Committee, nominee company or adviser to whom functions are delegated (Articles 3(3) and 4(7)).

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