STATUTORY INSTRUMENTS

1972 No. 51

TRANSPORT

PENSIONS AND COMPENSATION

The British Transport (Male Wages Grades Pensions) (Amendment) Order 1972

Made - - -	18*th January* 1972
Laid before Parliament	27*th January* 1972
Coming into Operation	7*th February* 1972

The Secretary of State for the Environment makes this Order in exercise of his powers under section 74 of the Transport Act 1962(**a**) and of all other enabling powers:—

1.—(1) This Order shall come into operation on 7th February 1972 and may be cited as the British Transport (Male Wages Grades Pensions) (Amendment) Order 1972.

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

2. The Rules of the British Transport Commission (Male Wages Grades) Pension Scheme as set out in the Schedule to the British Transport Commission (Male Wages Grades Pensions) Regulations 1954(**c**), as amended (**d**), (and as those Rules and that Scheme now have effect subject to the provisions of any Orders made under section 74 of the Transport Act 1962) shall be amended as follows:—

(1) In Rule 5 paragraph (*c*) shall cease to have effect.

(2) In Rule 5A the reference to Section B and to Rule 5(*c*) shall be deleted.

(3) After Rule 5A there shall be inserted the following Rule:—

"Further option to join Section B

5B. (*a*) Every person who on the date of the coming into operation of the British Transport (Male Wages Grades Pensions) (Amendment) Order 1972 is a member of Section A but is not then a member of Section B shall have the option, exercisable on or at any time after that date, to become a member of Section B provided that, when exercising the option, he is a member of Section A and has not passed his 64th birthday.

(**a**) 1962 c. 46. (**b**) 1889 c. 63.
(**c**) S.I. 1954/898 (1954 I, p. 175).
(**d**) S.I. 1957/1455, 1960/784, 1968/1249 (1957 I, p. 177; 1960 I, p. 430; 1968 II, p. 3379).

(*b*) Every person who at any time after the date of the coming into operation of the said Order of 1972 becomes a member of Section A shall have the option, exercisable on or at any time after the commencement of his membership of Section A, to become a member of Section B, provided that, when exercising the option, he is a member of Section A and has not passed his 64th birthday.

(*c*) Where a person becomes a member of Section B under this Rule, his membership of Section B shall continue so long as his membership of Section A continues and Rule 9 shall not apply in relation to him."

(4) After Rule 17A there shall be inserted the following Rule:—

"Flat-rate supplement to basic pension

17B. (*a*) This Rule applies to every person who on the date of the coming into operation of the British Transport (Male Wages Grades Pensions) (Amendment) Order 1972 is entitled, or who at any time after that date becomes entitled, to receive any age or ill-health retirement pension under the provisions of Rule 14, 15, 16(*b*) or 17(*b*).

(*b*) A person to whom this Rule applies shall be entitled to receive with effect from 1st January 1971 or the date on which entitlement to his basic pension arises, whichever is later, a supplementary pension at a flat rate of 34p a week, to be paid as an addition to his basic pension and to be payable so long as his basic pension continues.

(*c*) For the purposes of Rule 31 the said supplementary pension shall be disregarded but, save as aforesaid, the provisions of these Rules about pensions payable under these Rules shall apply in relation to the said supplementary pension as they apply in relation to any pension payable under any of the Rules mentioned in paragraph (*a*) of this Rule.

(*d*) Where a person to whom this Rule applies is entitled under the provisions of this Rule to receive the said supplementary pension in respect of a period before the date of the coming into operation of the British Transport (Male Wages Grades Pensions) (Amendment) Order 1972, payment of the said pension to or for the benefit of that person for that period and for any further period between that date and the commencement of the first of the four-weekly periods specified in Rule 20 which begins after that date shall be made as soon as possible after that date.

(*e*) In making any calculation of the sum to be paid to or for the benefit of any person in respect of the said supplementary pension for a fraction of a week such a pension shall be treated as accruing due at the rate of 6p a day, except a Sunday which for the purpose of this paragraph shall be disregarded.

(*f*) In this Rule "basic pension", in relation to a person to whom this Rule applies, means the pension, or the aggregate of the pensions, payable to or for the benefit of that person under any one or more of Rules 14, 15, 16(*b*) and 17(*b*).

(*g*) The supplementary pension payable to or for the benefit of a person under this Rule shall be additional to any supplementary pension payable to or for the benefit of that person under Rule 17A."

(5) In Rule 26 the words added to that Rule by the British Transport Commission (Male Wages Grades Pensions) (Amendment) Regulations 1960(**a**) shall cease to have effect.

(6) After Rule 31 there shall be inserted the following Rule:—

"Limit on deduction in respect of benefit from other pension schemes

31A. (*a*) Rule 31 shall have effect subject to the provisions of this Rule.

(*b*) Where on the date of the coming into operation of the British Transport (Male Wages Grades Pensions) (Amendment) Order 1972 a pension is payable under this Scheme in respect of age or ill-health retirement of a member, or where at any time after that date such a pension becomes payable, and the pension is or will be subject to reduction under Rule 31 in consequence of the entitlement of the member in question to a lump sum benefit under a pension scheme specified in the Second Schedule to these Rules, then the aggregate of the deductions made from that pension in order to give effect to that reduction shall in no circumstances exceed the amount of that lump sum and, where the deductions have been or are made on a periodic basis, they shall cease to be made when their aggregate equals the amount of that lump sum.

(*c*) Where on the date of the coming into operation of the British Transport (Male Wages Grades Pensions) (Amendment) Order 1972 a pension is payable under this Scheme in respect of age or ill-health retirement of a member and the aggregate of the deductions which have been made from that pension in order to give effect to the reduction to which it is subject under Rule 31 in consequence of the entitlement of the member in question to a lump sum benefit under a pension scheme specified in the Second Schedule to these Rules has exceeded that lump sum, then:—

(i) the said deductions shall cease with effect from that date, and

(ii) the amount by which the aggregate of the said deductions exceeds the said lump sum shall be paid to or for the benefit of the member in question as soon as possible after that date.

(*d*) References in this Rule to the making of deductions from a pension in order to give effect to a reduction under Rule 31 are references to the making of deductions from the periodic sum which under the provisions of these Rules would be payable as the pension in question if the said reduction under Rule 31 did not apply."

(**a**) S.I. 1960 1784 (1960 I, p. 430).

(7) For Rule 32 there shall be substituted the following Rule:—

"Composition of Committee

32. (*a*) Subject to the provisions of these Rules, the administration of the Scheme shall be vested in a Central Committee of twenty two persons, of whom eleven shall from time to time be appointed by the British Railways Board and eleven shall from time to time be nominated by the undermentioned bodies according to the numbers of nominees and subject to the restrictions as to qualification for nomination stated below, that is to say—

The National Union of Railwaymen—	5 nominees (of whom at least 4 shall be members of the Scheme),
The Associated Society of Locomotive Engineers and Firemen—	3 nominees (of whom at least 2 shall be members of the Scheme),
The Confederation of Shipbuilding and Engineering Unions	3 nominees (of whom at least 2 shall be members of the Scheme).

(*b*) Where a person who is a member of the Central Committee by nomination under paragraph (*a*) of this Rule is a person who is required by that paragraph to be a member of the Scheme, his membership of the Central Committee shall continue so long only as his membership of the Scheme continues.

(*c*) Nothing in paragraph (*a*) or (*b*) of this Rule shall affect the appointments or nominations of members of the Central Committee made before the date of the coming into operation of the British Transport (Male Wages Grades Pensions) (Amendment) Order 1972 under Rule 32 of these Rules as then in force, and the persons so appointed and nominated may continue to act as members of the said Committee on and after that date."

Signed by authority of the Secretary of State.

18th January 1972.

John Peyton,
Minister for Transport Industries
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes the following amendments to the Rules of the British Transport Commission (Male Wages Grades) Pension Scheme:—

(1) The requirement that members of Section A of the Scheme must become members of Section B on being appointed to certain grades is removed and is replaced by a provision giving all present and future members of Section A an option to join Section B at any time up to their 64th birthday (Amendments to Rules 5, 5A and 26 and New Rule 5B).

(2) Provision is made for a supplementary pension of 34p a week for persons who are now, or subsequently become, entitled to receive a pension from the Scheme. The supplementary pension will be payable from 1st January 1971 or the date of the commencement of the basic pension, whichever is later (New Rule 17B).

(3) A limit is placed on the reductions to be made under Rule 31 in pensions from the Scheme in cases where a lump sum benefit is payable to the same person under certain other pension schemes. The amount of the reduction is not to exceed the amount of the lump sum. Provision is made for a refund in cases where the reduction already made has exceeded the lump sum (New Rule 31A).

(4) The composition of the Central Committee of the Scheme is altered so as to increase the overall membership from 20 to 22 and vary the numbers of members nominated by certain bodies. Some only of the members so nominated are required to be members of the Scheme (Substituted Rule 32).

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