1968 No. 1498

TRANSPORT

PENSIONS AND COMPENSATION

The British Transport Police (Transfers from Pension Schemes) Order 1968

Made - - -	19*th September* 1968
Laid before Parliament	27*th September* 1968
Coming into Operation	30*th September* 1968

The Minister of Transport, in exercise of his powers under section 74 of the Transport Act 1962(a) and of all other enabling powers, hereby makes the following Order:—

Commencement, Citation and Interpretation

1.—(1) This Order shall come into operation on the 30th September 1968, and may be cited as the British Transport Police (Transfers from Pension Schemes) Order 1968.

(2) In this Order unless the context otherwise requires—

"the Board" means the British Railways Board;

"the Minister" means the Minister of Transport;

"the persons administering", in relation to a pension scheme, means the persons responsible for administering the scheme under the terms thereof, and includes the trustees (if any) of the scheme;

"the New Fund" means the British Transport Police Force Superannuation Fund which has been established by the Board, with the consent of the Minister, under the terms of a Trust Deed executed by the Board on the 1st September 1968, together with the British Transport Police Force Retirement Benefit Fund which has been established by the Board with the like consent under the terms of the same Trust Deed; and

"term", in relation to a pension scheme, includes any rule or provision of that scheme, or of any statutory provision relating to that scheme, or of any deed or other instrument made for the purposes of that scheme.

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

(a) 1962 c. 46. (b) 1889 c. 63.

Application of Order

2.—(1) This Order shall apply to the pension schemes listed in the Schedule to this Order.

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

Alterations in the terms of pension schemes

3.—(1) A person who becomes a member of the New Fund on or after the 1st October 1968 shall be ineligible for admission to a pension scheme to which this Order applies so long as he remains a member of that Fund.

(2) Where a member of a pension scheme to which this Order applies becomes a member of the New Fund on or after the 1st October 1968, the following provisions shall have effect:—

(*a*) upon the date of his admission to membership of the New Fund he shall cease to be a member of that pension scheme and (except as hereinafter provided) his liability to pay contributions to and his right to receive benefit from that scheme shall cease; and

(*b*) as soon as may be after that date the persons administering that pension scheme shall pay to the New Fund a transfer value in respect of the pension rights of that member in that scheme.

Ascertainment of Transfer Values

4. Where under the foregoing provisions of this Order there falls to be paid in relation to a member of a pension scheme to which this Order applies a transfer value in respect of his pension rights in that scheme, then the amount to be paid shall be ascertained by first determining the portion of the funds of that scheme properly attributable to the pension rights of that member in that scheme calculated by reference to the actuarial reserve held for that member in proportion to the actuarial reserves held for all members of that scheme and then by deducting therefrom such sum as may be necessary to cover the cost actually incurred by the persons administering that scheme in making the apportionment and the payment and also an amount equal to any income tax which may then become payable by virtue of regulations made under section 379 of the Income Tax Act 1952(a).

Outstanding Contributions

5. Where under the foregoing provisions of this Order a person ceases to be a member of a pension scheme to which this Order applies, such cessation shall be without prejudice to the obligation of that person to pay any outstanding contributions to that scheme in respect of any period before such cessation, and at the rate appropriate to that period, and to the right of the Board to deduct such contributions from his emoluments.

Determination of Questions

6. Where under the foregoing provisions of this Order any matter or thing is to be determined in relation to a member of a pension scheme to which this Order applies who becomes a member of the New Fund, that matter or thing shall be determined by agreement between the persons administering that pension scheme on the one hand and the persons administering the New Fund on the other hand or, in default of such agreement, by the Minister.

(a) 1952 c. 10.

Sealed with the Official Seal of the Minister of Transport the 19th September 1968.

Richard Marsh,
Minister of Transport.

(L.S.)

SCHEDULE

Great Western Railway Superannuation Fund.
London and North Eastern Railway Superannuation Fund.
London Midland and Scottish Railway Superannuation Fund.
London Transport (Administrative & Supervisory) Staff Superannuation Fund.
Railway Clearing System Superannuation Fund.
Southern Railway Superannuation Fund.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order provides for termination of membership of, and rights in, certain pension schemes, in the case of members who join the new British Transport Police Force Superannuation Fund and British Transport Police Force Retirement Benefit Fund. The Order provides, in addition, for the ascertainment of transfer values and for certain other consequential matters.