



Transport Act 1980

1980 CHAPTER 34

PART III

RAILWAY ETC. PENSIONS

53 Meaning of " the relevant pension obligations "

- (1) In this Part " the relevant pension obligations ", in relation to a B.R. pension scheme, means subject to subsection (3).....
- (a) any obligations of the Board which were owed on 1st January 1975 ("the operative date") in connection with the scheme ; and
 - (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the Board arising after the operative date to pay or secure the payment of increases of or sums representing accrued rights in respect of those pensions; and
 - (c) any obligation of the Board arising after the operative date to pay or secure the payment of increases payable under the scheme, being increases of pensions payable under any other pension scheme established before that date (whether a B.R. pension scheme or not).
- (2) In this Part " the relevant pension obligations ", in relation to an N.F.C. pension scheme, means subject to subsection (3)—
- (a) any obligations of the successor company or a relevant subsidiary which were owed on 1st April 1975 (" the operative date ") in connection with the scheme ; and
 - (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases of or sums representing accrued rights in respect of those pensions ; and
 - (c) any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases payable under the scheme, being increases of pensions payable under any other pension scheme established before that date (whether an N.F.C. pension scheme or not); and

Status: This is the original version (as it was originally enacted).

- (d) any obligation of the successor company or a relevant subsidiary which results from an amendment made to the scheme by virtue of section 74 of the Transport Act 1962 after the operative date and before 1st January 1980, being (in each case) obligations which relate to employees or former employees of a relevant subsidiary or employees or former employees of the successor company or the Corporation who are or were employed as directors or managers of a relevant subsidiary.
- (3) The definitions in subsections (1) and (2) do not include
- (a) any obligation to pay or secure the payment of increases of pensions in excess of increases payable on official pensions under the Pensions (Increase) Act 1971 and section 59 of the Social Security Pensions Act 1975 ;
 - (b) any obligation to pay contributions in respect of current periods of employment of a member of a scheme ;
 - (c) any obligation to pay expenses incurred in connection with the management of a scheme which is specifically imposed on the body by which it is owed;
 - (d) any obligation owed by a body in their capacity as the trustees of a scheme or the persons administering a scheme; and
 - (e) subject to subsection (4), any obligation in respect of which the body by which it is owed have a right to be indemnified by any other body.
- (4) Subsection (3)(e) does not apply—
- (a) in the case of an obligation owed by the Board, where the Board has a right to be indemnified by the successor company;
 - (b) in the case of an obligation owed by the successor company, where the successor company has a right to be indemnified by a relevant subsidiary ;
 - (c) in the case of an obligation owed by the successor company, where the successor company has a right to be indemnified by the Board and the obligation relates to employees or former employees of Freightliners Limited or employees or former employees of the successor company or the Corporation who are or were employed as directors or managers of Freightliners Limited;
 - (d) in the case of an obligation owed by a relevant subsidiary, where that subsidiary has a right to be indemnified by the successor company or by another relevant subsidiary ; and
 - (e) in the case of an obligation owed by Freightliners Limited, where Freightliners Limited has a right to be indemnified by the Board.
- (5) In this section "relevant subsidiary" means National Carriers Limited, Freightliners Limited and any subsidiary of National Carriers Limited.
- (6) For the purposes of this section—
- (a) any increase in an obligation which results from an amendment made to a scheme after the operative date shall be treated as a separate obligation; and
 - (b) where at any time, whether before or after the operative date, any pensions or increases payable under a B.R. or N.F.C. pension scheme are or have been paid by any person, that person shall be treated as being or as having been under an obligation at that time to make those payments.