
Status: Point in time view as at 06/01/1994.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Paragraph 8. (See end of Document for details)

SCHEDULES

SCHEDULE 11

PENSIONS

Entitlement to participate in the joint industry scheme

- 8 (1) The Secretary of State may by order make provision conferring upon any person to whom this paragraph applies—
- (a) who is participating, or who at or after the making of the order begins to participate, in the joint industry scheme, and
 - (b) who fulfils the qualifying conditions,
- the right to continue to participate in the joint industry scheme, in accordance with the rules of that scheme, unless and until the termination conditions become fulfilled in the case of that person.
- (2) The persons to whom this paragraph applies are—
- (a) any person who immediately before the passing of this Act—
 - (i) is an employee of the Board or of a subsidiary of the Board; and
 - (ii) is participating in an existing scheme; and
 - (b) any person not falling within paragraph (a) above—
 - (i) who either is, immediately before the passing of this Act, an employee of the Board or of a subsidiary of the Board or has at some earlier time been such an employee;
 - (ii) who has participated in an existing scheme before the passing of this Act; and
 - (iii) who fulfils prescribed conditions.
- (3) For the purposes of this paragraph a person fulfils the “qualifying conditions” if—
- (a) the continuity of his period of employment has not been broken during the intervening period;
 - (b) he has not withdrawn voluntarily from an occupational pension scheme during that period; and
 - (c) he has at all times during that period been in the employment of an employer engaged in the railway industry.
- (4) In sub-paragraph (3) above, the “intervening period” means the period which begins at the passing of this Act and ends—
- (a) at the time when the person in question begins to participate in the joint industry scheme, or
 - (b) at the coming into force of the order under this paragraph which confers upon that person the right mentioned in sub-paragraph (1) above (or which would have conferred that right upon him, had he satisfied the qualifying conditions),
- whichever is the later.

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- (5) The “termination conditions” become fulfilled for the purposes of this paragraph in the case of any person if—
- (a) the continuity of his period of employment is broken;
 - (b) he withdraws voluntarily from the joint industry scheme; or
 - (c) he is not in the employment of any employer engaged in the railway industry.
- (6) Circumstances may be prescribed in which—
- (a) a break in the continuity of a person’s period of employment,
 - (b) a person’s voluntary withdrawal from an occupational pension scheme, or
 - (c) a period during which a person is not in the employment of an employer engaged in the railway industry,
- shall be disregarded for the purpose of determining whether the person fulfils the qualifying conditions or whether the termination conditions have become fulfilled in his case.
- (7) The employers who are to be regarded for the purposes of this paragraph as “engaged in the railway industry” are those who carry on activities of a class or description specified for the purposes of this sub-paragraph by the Secretary of State in an order under this paragraph; and the Secretary of State may so specify any class or description of activity which, in his opinion, falls within, or is related to or connected with, the railway industry.
- (8) An order under this paragraph may—
- (a) impose on the trustees of the joint industry scheme, or on the employer (if any) of a person for the time being entitled to the right conferred by virtue of sub-paragraph (1) above, duties with respect to—
 - (i) the participation of that person or that employer in the scheme, or
 - (ii) the payment of contributions by that employer under the scheme, in accordance with the rules of the scheme; and
 - (b) make provision requiring any person whose approval or consent is necessary in connection with the doing of anything required to be done by virtue of an order under this paragraph to give that approval or consent.
- (9) An order under this paragraph may make provision for the purpose of preventing a person who would otherwise be entitled to the right conferred by virtue of sub-paragraph (1) above from continuing to participate in the joint industry scheme in circumstances where his continued participation in that scheme would in the opinion of a prescribed person—
- (a) prejudice any approval of that scheme for the purposes of Chapter I of Part XIV of the ^{M1}Income and Corporation Taxes Act 1988 (retirement benefit schemes); or
 - (b) prevent the scheme from being a contracted-out scheme for the purposes of Part III of the ^{M2}Pension Schemes Act 1993 or Part III of the ^{M3}Pension Schemes (Northern Ireland) Act 1993.
- (10) An order under this paragraph may include provision—
- (a) for disputes arising under the order to be referred to arbitration; or
 - (b) for provisions of the order to be enforceable on an application made to a prescribed court by the Secretary of State or by a prescribed person or a person of a prescribed description.

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- (11) An order under this paragraph may make provision for and in connection with the making of elections in a prescribed manner by persons who would otherwise be entitled by virtue of sub-paragraph (1) above to the right there mentioned for orders under this paragraph (other than orders by virtue of this sub-paragraph) not to have effect with respect to them.
- (12) Sub-paragraph (10) of paragraph 6 above shall have effect for the purposes of this paragraph as it has effect for the purposes of that paragraph.

Marginal Citations

- M1** 1988 c. 1.
M2 1993 c. 48.
M3 1993 c. 49.

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Changes to legislation:

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