

1969 No. 1858

TRANSPORT

PENSIONS AND COMPENSATION

The British Transport (Alteration of Pension Schemes) Order 1969

<i>Made</i>	- - -	19th December 1969
<i>Laid before Parliament</i>		30th December 1969
<i>Coming into Operation</i>		31st December 1969

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 31st December 1969 and may be cited as the British Transport (Alteration of Pension Schemes) Order 1969.

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

“the Act of 1939” means the London and North Eastern Railway (Superannuation Fund) Act 1939(b);

“the Board” means the British Railways Board;

“the Fund” means the London and North Eastern Railway Superannuation Fund established by the Act of 1939;

“the Minister” means the Minister of Transport;

“term”, in relation to the Fund, includes any rule or provision of the Fund, or of any statutory provision relating to the Fund, or of any 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 the Order

2. This Order shall apply to the London and North Eastern Railway Superannuation Fund which shall be construed and have effect as if the provisions of this Order were terms thereof, any other term thereof, whether express or implied, to the contrary notwithstanding.

(a) 1962 c. 46.

(b) 1939 c. xxii.

(c) 1889 c. 63.

Alterations in terms of Fund

3. The following alterations shall be made to the terms of the Fund namely:—

- (a) In addition to the powers to invest moneys of the Fund contained in subsection (4) of section 5 of the Act of 1939, the Board may invest property forming part of the Fund in any manner specified in the Schedule to this Order.
- (b) In exercising the powers to invest moneys of the Fund contained in the Act of 1939 as extended by paragraph (a) of this Article the Board shall ensure that at the time of such investment not less than one-quarter in value of the Fund shall be invested in any manner specified in Parts I and II of the First Schedule to the Trustee Investments Act 1961(a) as read with Part IV of that Schedule, or applied by the Board to the general purposes of their undertaking pursuant to paragraph (a) of subsection (4) of section 5 of the Act of 1939.
- (c) The Board shall at intervals of not more than 6 months commencing with a period calculated from 1st January 1970 credit the Fund with interest at a rate of not less than four per centum per annum on all moneys applied by the Board to the general purposes of their undertaking pursuant to paragraph (a) of subsection (4) of section 5 of the Act of 1939, but such interest shall not be credited at a rate higher than four per centum per annum without the consent of the Minister.
- (d) Any interest credited by the Board under paragraph (c) of this Article shall be taken into account in the calculation of any sum to be credited to the Fund by the Board under the provisions of subsection (5) of section 5 of the Act of 1939.
- (e) The Board may charge the assets of the Fund as security for money borrowed for the purposes of the Fund.
- (f) As to all immovable property held by the Fund (whether situate in England or any other part of the United Kingdom, the Isle of Man or the Channel Islands and whether purchased alone or jointly or in common with any other person or corporation), the Board shall have and may exercise or join in exercising except as provided in the next following paragraph all the powers of management, or superintending the management thereof, referred to in section 102 of the Settled Land Act 1925(b), and also generally all the powers conferred upon a tenant for life or the trustees of a settlement under the said Act, and, by way of extension of such powers, power to carry out with moneys forming part of the Fund any improvements of any kind to land or buildings (whether referred to in the said Act or not and including the erection, demolition and reconstruction of any buildings), and may grant or join in granting leases of any kind for any term not exceeding 999 years and on such terms and conditions as may be thought desirable, and may grant or join in granting options.
- (g) Nothing in the last preceding paragraph of this Article shall be construed or have effect so as to enable the Board to borrow money otherwise than in accordance with section 19 of the Transport Act 1962.

Sealed with the Official Seal of the Minister of Transport the 19th December 1969.

(L.S.)

Fred Mulley,
Minister of Transport.

SCHEDULE

1. In the purchase, whether alone or jointly or in common with any other person or corporation, of immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands or of any share or interest in such immovable property, including any interest in such immovable property comprised in a building agreement providing for the grant of a lease of such property contingently on the erection and completion of the building specified in such agreement.

2. In the advance of money upon the security of

(a) immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands or

(b) any interest in such immovable property comprised in a building agreement, as specified in paragraph 1 hereof

and in any such case whether the security be taken by a separate and distinct mortgage or security made exclusively to or in trust for the Fund or by a mortgage or security made to or in trust for the Board jointly with any other person or corporation who may contribute to the total amount advanced on such mortgage or security and although the Fund may not obtain the whole or any portion of the estate or interest in such immovable property therein comprised.

3. In the purchase of or the advance of money upon the security of debentures, debenture stock, bonds or other obligations, of any company, public or private, incorporated with limited liability in the United Kingdom.

4. In the purchase of shares of any company incorporated in the United Kingdom which has the acquisition and development of immovable property as a main object.

5. In the purchase of or the advance of money upon the security of preference, preferred or ordinary stock or shares of any Public Company incorporated with limited liability in the United Kingdom, the shares of which are quoted on a stock exchange in the United Kingdom or permission has been granted to deal in them.

6. In the placing of money on loan or on deposit or on current account with any bank or banking house in Great Britain or on deposit with any building society as defined in section 1(4) of the Building Societies Act 1962(a).

7. In the purchase of, or the advance of money upon the security of, investments outside the United Kingdom being

(a) investments of the kind specified, in relation to the United Kingdom, in paragraph 5 of this Schedule, or

(b) units, or other shares in the investments subject to the trusts, of a unit or similar trust scheme:

Provided that such investments are dealt in under the rules of the London Stock Exchange.

8. In any units, or other shares of the investments subject to the trusts of a unit trust scheme, in the case of which there is in force at the time of investment an Order of the Board of Trade under section 17 of the Prevention of Fraud (Investments) Act 1958(b).

9. In any units of a unit trust which has the acquisition and development of immovable property as a main object.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Order provides for the widening of the powers of investment in respect of the London and North Eastern Railway Superannuation Fund and for the British Railways Board to pay interest on moneys forming part of the Fund held by the Board.

(a) 1962 c. 37.

(b) 1958 c. 45.