
STATUTORY INSTRUMENTS

1978 No. 1290

TRANSPORT

PENSIONS AND COMPENSATION

The National Freight Corporation (Central Trust) Order 1978

<i>Made</i>	- - - -	<i>1st September 1978</i>
<i>Laid before Parliament</i>		<i>8th September 1978</i>
<i>Coming into Operation</i>		<i>1st October 1978</i>

The Secretary of State for Transport, in exercise of powers conferred by section 74 of the Transport Act 1962, and now vested in him⁽¹⁾, and of all other enabling powers, hereby makes the following Order:—

Commencement, citation and interpretation

1.—(1) This Order shall come into operation on 1st October 1978, and may be cited as the National Freight Corporation (Central Trust) Order 1978.

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

“the Central Trust” means the trust constituted by a deed made on the 8th August 1978 between the Corporation and NFC Trustees Limited for establishing a central fund for the purposes of receiving, holding, investing and applying payments made under section 19 of the Transport Act 1978 (which relates to the funding of certain of the Corporation's pension schemes) and other payments made and assets transferred in connection with the Corporation's pension schemes, “the Central Trust deed” means that deed and “the trustees of the Central Trust” means the trustees for the time being of the Central Trust;

“the Corporation” means the National Freight Corporation;

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

“Scheduled pension scheme” means a pension scheme (being a scheme for providing pensions or other benefits wholly or mainly for or in respect of employees or former employees of the Corporation, or of any subsidiary of the Corporation, or of any person or body whose undertaking now forms part of the undertaking of the Corporation, or of a subsidiary of the

Corporation) specified in the Schedule to this Order, and “the Scheduled pension schemes” means all the schemes so specified;

“term” in relation to a pension scheme to which this Order applies, includes any rule or provision of the scheme, or of any statutory provision relating to the scheme, or of any deed or other instrument made for the purposes of the scheme.

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

Application of Order

2.—(1) This Order applies to the Central Trust and to the Scheduled pension schemes.

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

Transfer to Central Trust of certain pension scheme assets and liabilities

3.—(1) All moneys and other assets belonging to or from time to time received in respect of each of the Scheduled pension schemes and all contributions from time to time falling to be made to such schemes by or in respect of the members thereof shall be paid or transferred to the Central Trust, to the intent that all such moneys, assets and contributions may be invested by the trustees of the Central Trust in accordance with the powers and provisions of the Central Trust deed relating to investment and that such moneys, assets and contributions, together with the investments for the time being representing the same, shall be held and applied by the trustees of the Central Trust for the benefit of the members of, and the persons entitled to benefit under, each Scheduled pension scheme in accordance with the terms of such scheme.

(2) The liability of the persons administering each of the Scheduled pension schemes to pay pensions and other benefits to the persons from time to time entitled thereto under the terms of such scheme shall be transferred to the trustees of the Central Trust and become their liability.

Saving of rights of members and beneficiaries

4. Nothing in this Order shall affect the conditions of membership of any person in a Scheduled pension scheme or the terms of the entitlement of any person to benefit from a Scheduled pension scheme.

Guarantee by the Corporation

5. The Corporation shall, by making payments or credits to the Central Trust or by making payments direct to the persons from time to time entitled to benefit from a Scheduled pension scheme (being in either case payments or credits additional to those otherwise required to be made by the Corporation), secure that no person who is, or may at any time be, entitled to benefit from a Scheduled pension scheme is placed in a worse position by reason of the provisions of this Order.

1st September 1978

William Rodgers
Secretary of State for Transport

THE SCHEDULE

Pension Schemes of the Corporation

1. Schemes of the Corporation with respect to pensions and other benefits payable—
 - (a) under section 99 of the Transport Act 1947 and paragraph 17(1)(b) of Schedule 7 to the Transport Act 1962, or
 - (b) under paragraph 15 of Schedule 7 to the Transport Act 1962, or
 - (c) under the customary practices of the Corporation as those practices existed immediately before the date of the Central Trust deed.
 2. Schemes for the payment of the specific pensions or other benefits listed in Appendix 2 to the Schedule to the Central Trust deed.
 3. The Transport Holding Company Scheme of Supplementation of 1966.
 4. The National Freight Corporation Schemes of Supplementation of 1969, 1971, 1972, 1973, 1974, 1975, 1976 and 1977.
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EXPLANATORY NOTE

This Order provides for the transfer of the assets and liabilities of certain pension schemes of the National Freight Corporation to the trustees of a central trust established by the Corporation in connection with the funding of pension scheme obligations under section 19 of the Transport Act 1978. The rights of the members of, and the beneficiaries from, the various pension schemes are preserved and provision is made to protect them against any possible worsening of their position.