
STATUTORY INSTRUMENTS

1994 No. 1432

The Railway Pensions (Protection and Designation of Schemes) Order 1994

PART IV

Election, arbitration and enforcement

Enforcement

14.—(1) Where a dispute which has been referred to an arbitrator appointed under article 13 has not been resolved because the arbitrator has—

- (a) failed to take any steps to determine it within 3 months of his appointment;
- (b) failed to determine it within 2 years; or
- (c) become unable to act;

or where there is no dispute for the purposes of article 13, any of the persons mentioned in paragraph (2) may apply to the court for an order which requires any other of those persons to comply with any provision of Parts I to IV of this Order.

(2) The persons mentioned for the purposes of paragraph (1) are—

- (a) the Secretary of State;
- (b) any person who has been, or is likely to be, affected by a failure to comply with Parts I to IV of this Order or who has a duty under any of those Parts who is—
 - (i) a protected person; or
 - (ii) a person mentioned in paragraph 7(2) of Schedule 11; or
- (c) in respect of Part III of this Order, a person who has the right to continue to participate in the joint industry scheme under article 11.

(3) In this article “the court” means—

- (a) where the principal residence of the person who makes an application under paragraph (1) is in Scotland, the Court of Session or the Sheriff;
- (b) where the principal residence of the person who makes an application under paragraph (1) is in Northern Ireland, the High Court or a County court in Northern Ireland;

and in any other case, the High Court or a County court in England and Wales.