

SCHEDULES

SCHEDULE 1

Section 4.

PROVISIONS SUPPLEMENTING SECTIONS 1 TO 3

Pensions

- 1 (1) The Secretary of State may make such orders under section 74 of the Transport Act 1962 (power to make provision about pensions in the nationalised transport industry) in relation to related companies as he could make if those companies were subsidiaries of the Railways Board.
- (2) Except on the application of a related company which is not a subsidiary of the Board, no order shall be made by virtue of this paragraph which has the effect of placing the company or any of its subsidiaries in any worse position ; but for this purpose a related company or a subsidiary shall not be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Secretary of State.
- (3) An order such as is mentioned in sub-paragraph (2) which is made without the application of the related company shall not be invalid because it does not have the effect of securing that the related company and its subsidiaries are not placed in any worse position, but except in so far as the related company approves the effect of the order the Secretary of State shall as soon as may be make the necessary amending order.
- (4) Sub-paragraphs (2) and (3) above have effect only in relation to orders made after such day as may be appointed for the purposes of this paragraph by order made by statutory instrument by the Secretary of State, and different days may be so appointed in relation to different related companies.
- (5) Where an order (the " first order") applying to a company has been made under section 74 and at the time when it was made the company was a subsidiary of the Railways Board, the order shall not apply to that company when it ceases to be such a subsidiary except where an order made (at any time) by virtue of this paragraph provides for the first order to continue to apply to the related company.
- (6) An order made by virtue of this paragraph may, in particular, authorise the Railways Board or any subsidiary of the Board—
 - (a) to transfer liabilities and obligations under a pension scheme in relation to some (but not all) of the participants in that scheme to another pension scheme (the " other scheme "); and
 - (b) to divide or apportion a pension fund held for the purposes of the scheme between that scheme and the other scheme.
- (7) In this paragraph "participant", in relation to a pension scheme, means—

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

- (a) in relation to a scheme under which benefits are or will be receivable as of right, a person who has pension rights under the scheme (whether he has contributed or not); and
 - (b) in relation to a scheme under which benefits are not or will not be receivable as of right, a person who (whether he is referred to in the scheme as a member, contributor or otherwise) has contributed under the scheme and has pension rights thereunder.
- (8) Section 57 of the Transport Act 1980 (power of Secretary of State to direct that certain payments in respect of transfer values are to be ignored for the purposes of certain provisions of Part III of that Act) shall have effect as if the reference to a subsidiary of the Railways Board included a reference to a related company.
- (9) In this paragraph " related company" means a company in which the Railways Board have, or at any time have had, a beneficial interest (either directly or through nominees or subsidiaries) in not less than 20 per cent, of the issued ordinary share capital of the company.

Transport police

- 2
- (1) The Railways Board may make an agreement with Sealink or the harbours company for making available the services of the British Transport Police Force to Sealink and any of its subsidiaries or to the harbours company and any of its subsidiaries, for such period, to such extent and on such terms as may be specified in the agreement.
 - (2) Where such an agreement has been made members of the British Transport Police Force shall, notwithstanding the provisions of any other enactment but subject to the terms of the agreement, have the same powers to act as constables in relation to the premises of, and matters connected with or affecting, the company concerned as they would have if those premises belonged to, or those matters were connected with or affected, the Railways Board.
 - (3) In this section "the British Transport Police Force" means the force established by a scheme made under section 69 of the Transport Act 1962.

Charges

- 3
- (1) The harbours company shall, in the exercise of statutory powers and duties at a harbour which it is engaged in improving, maintaining or managing, have power to make such reasonable charges for its services and facilities as it thinks fit.
 - (2) This paragraph does not apply in relation to—
 - (a) ship, passenger and goods dues; or
 - (b) charges ascribable to the running of a ferry service in or from a harbour;
 and does not authorise the making of any charge in a case where an enactment relating to any of the company's harbours expressly provides for freedom from charges or otherwise prohibits the making of any charge.
 - (3) The provisions of sections 27 to 48 of the Harbours, Docks and Piers Clauses Act 1847 (which provide for various matters connected with liability for and collection of the rates to be taken by undertakers) as incorporated with or applied by any enactment relating to any of the company's harbours apply to charges under this paragraph as if they were rates payable under that enactment.

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Stamp duty

- 4 (1) Stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of—
- (a) the formation of a subsidiary of the Railways Board ; or
 - (b) any increase in the capital of such a subsidiary;
- if the transaction concerned is certified by the Treasury as satisfying the requirements of sub-paragraphs (2) and (3) below.
- (2) A transaction satisfies the requirements of this sub-paragraph if it is effected solely for the purpose—
- (a) of facilitating the eventual disposal under section 1 of this Act of any part of the Board's undertaking or of any property, rights or liabilities; or
 - (b) of complying with a direction given by the Secretary of State under section 3 of this Act.
- (3) A transaction satisfies the requirements of this sub-paragraph if—
- (a) it is entered into solely in connection with a transfer to be effected by section 7(6) of the Transport Act 1968, takes place on or before the transfer date and does not give rise to an excess of capital; or
 - (b) it consists of the conversion of loan stock into share capital or the issue of shares in satisfaction of a debt owed by the subsidiary to the Railways Board or to another of their subsidiaries.
- (4) In this paragraph " issued capital" means issued share capital or loan capital; and for the purposes of this paragraph a transaction gives rise to an excess of capital if—
- (a) in a case falling within sub-paragraph (1)(a) above the total issued capital of the subsidiary exceeds, on the transfer date, the total value of the assets less liabilities transferred ; or
 - (b) in a case falling within sub-paragraph (1)(b) above the aggregate amount of the increase of issued capital of the subsidiary exceeds, on that date, that total value.

Provision of services for related companies

- 5 The Railways Board may provide for any related company (within the meaning of paragraph 1 above) any of the services which they have power to provide for any of their subsidiaries.

Leases of vessels

- 6 Where, immediately before the commencement of this Part of this Act, any vessel is the subject of a lease granted to the Railways Board and of a sub-lease granted by the Board to Sealink, the sub-lease shall be taken to have been validly granted by the Board and the lease and sub-lease shall continue to have effect as if this Part of this Act had not been passed.

This paragraph applies equally where the lease and sub-lease were granted after, but in pursuance of an agreement entered into before, the commencement of this Part.

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Repeal of powers to provide shipping services and to provide and manage hotels

- 7
- (1) If at any time Sealink ceases to be a subsidiary of the Railways Board the Secretary of State shall by order repeal the Railway Shipping Acts.
 - (2) If at any time the Board cease to provide and manage hotels (either themselves or through a subsidiary) the Secretary of State shall by order repeal subsection (2) (power to provide and manage hotels) of section 50 of the Transport Act 1968 and make such consequential amendments in subsection (4) of that section as he considers appropriate.
 - (3) In this paragraph " the Railway Shipping Acts " means—
 - (a) the enactments so described in section 5 of the Transport Act 1962 ;
 - (b) section 47 of the British Railways Act 1967 ; and
 - (c) subsections (1) and (3)(a) of section 5 of the 1962 Act.
 - (4) An order under this paragraph shall be made by statutory instrument.
 - (5) Notwithstanding the repeal of the Railway Shipping Acts under this paragraph, the Board shall continue to have power to provide vessels and shipping services for the carriage by sea of rail freight wagons.
 - (6) The Board shall not exercise their powers under sub-paragraph (5) above to provide shipping services except with the consent of the Secretary of State ; and any consent under this paragraph may be given subject to such conditions as the Secretary of State thinks fit to impose.

Local enactments

- 8
- (1) Where he considers it necessary or expedient to do so in consequence of, or of anything done under, this Act, the Secretary of State may by order—
 - (a) repeal any local enactment which in his opinion has ceased to have effect; or
 - (b) make such amendments in any local enactment as he thinks appropriate.
 - (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.