

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Greater London Authority Act 1999, SCHEDULE 32 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 32

Section 411.

LONDON REGIONAL TRANSPORT PENSION ETC SCHEMES

Interpretation

1 (1) In this Schedule—

“employment” means employment under a contract of service or apprenticeship (whether express or implied and, if express, whether oral or in writing) and related expressions shall be construed accordingly;

“LRT pension scheme” means any occupational pension scheme for the provision of pensions for or in respect of persons with service in the employment of London Regional Transport or a subsidiary of London Regional Transport (whether or not pensions may also be provided under the scheme for or in respect of persons without such service);

“LRT welfare scheme” means a scheme (other than a pension scheme) for the provision, whether directly or indirectly, of benefits for or in respect of persons with service in the employment of London Regional Transport or a subsidiary of London Regional Transport (whether or not benefits may also be provided under the scheme for or in respect of persons without such service);

“occupational pension scheme” has the meaning given in section 1 of the ^{M1}Pension Schemes Act 1993;

“order” means an order made by the Secretary of State under section 411(1) of this Act;

“prescribed” means specified in, or determined in accordance with, an order.

(2) Subject to sub-paragraph (1) above, expressions used in this Schedule and in section 411 of this Act have the same meaning in this Schedule as they have in that section.

Commencement Information

II Sch. 32 para. 1: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

Marginal Citations

M1 1993 c. 48.

Amendment of LRT pension schemes

2 (1) In the case of any LRT pension scheme, the provision that may be made by order under section 411(1) of this Act includes provision for or in connection with—

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- (a) the allocation of assets, rights, liabilities or obligations between different sections of the scheme;
- (b) securing that the scheme continues to be [^{F1}registered or] approved for the purposes of the relevant enactments, notwithstanding any transfers made by or under this Act or any qualifying transaction.

(2) In sub-paragraph (1) above—

“qualifying transaction” means any relevant transaction, within the meaning of paragraph 3 below, as a result of which a person is or becomes a protected person for the purposes of that paragraph;

“the relevant enactments” means—

- (a) [^{F2}Part 4 of the Finance Act 2004 (pension schemes etc); and]
- (b) Part III of the ^{M2}Pension Schemes Act 1993, so far as relating to occupational pension schemes.

Textual Amendments

- F1** Words in Sch. 32 para. 2(1)(b) inserted (6.4.2006) by [The Taxation of Pension Schemes \(Consequential Amendments\) Order 2006 \(S.I. 2006/745\)](#), arts. 1, **14(a)**
- F2** Words in Sch. 32 para. 2(2) substituted (6.4.2006) by [The Taxation of Pension Schemes \(Consequential Amendments\) Order 2006 \(S.I. 2006/745\)](#), arts. 1, **14(b)**

Commencement Information

- I2** Sch. 32 para. 2: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

Marginal Citations

- M2** 1993 c. 48.

Protection of pension arrangements of transferred employees

- 3 (1) For the purposes of this paragraph, a “protected person” is a person—
- (a) who, as a result of any prescribed relevant transaction, becomes, or since 20th March 1998 has become, an employee of a private sector company; and
 - (b) who, immediately before becoming such an employee, was an employee of London Regional Transport or a subsidiary of London Regional Transport.
- (2) The Secretary of State may by order make provision for the purpose of securing that no protected person (and, accordingly, no person who is or may become entitled to a pension in respect of a protected person) ceases to be overall in materially at least as good a position, as respects pension arrangements, as a result of—
- (a) the relevant transaction by reason of which the protected person is such a person; or
 - (b) any pensions order made in connection with that relevant transaction.
- (3) The provision that may be made by virtue of sub-paragraph (2) above is provision for the purpose of securing that a protected person has the right—
- (a) for so long as the appropriate conditions are satisfied, to continue to participate as a contributing member in any prescribed LRT pension scheme in which he was participating as such a member immediately before the relevant transaction, and

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- (b) for so long as his period of continuous employment is not broken, to participate as a contributing member in a pension scheme under which the benefits to be provided to or in respect of him are overall materially at least as good as those provided under any [^{F3}prescribed LRT pension scheme] in which he was participating as a contributing member immediately before the relevant transaction,
- subject to any provision made by virtue of sub-paragraph (6) below.
- (4) For the purposes of sub-paragraph (3)(a) above, “the appropriate conditions” are—
- (a) that the protected person continues to be a person employed in the London underground railway industry (whether or not with the same employer); and
 - (b) that any prescribed conditions with respect to continuity of employment are satisfied in his case.
- (5) The provision that may be made by virtue of sub-paragraph (2) above includes provision for or in connection with the level of funding which is to be maintained in the case of any pension scheme of a prescribed description so far as relating to protected persons.
- (6) An order made by virtue of sub-paragraph (2) above may make provision for such orders to cease to have effect in the case of any protected person if—
- (a) he voluntarily withdraws from an occupational pension scheme, or
 - (b) he requests that his pension rights be transferred from an occupational pension scheme,
- except in such circumstances or to such extent as may be prescribed.
- (7) Circumstances may be prescribed in which—
- (a) a break in the continuity of a person’s period of employment,
 - (b) a person’s ceasing to be a person employed in the London underground railway industry, or
 - (c) a person’s voluntary withdrawal from an occupational pension scheme,
- shall be disregarded for prescribed purposes of this paragraph.
- (8) Chapter I of Part XIV of the ^{M3}Employment Rights Act 1996 (continuous employment) shall apply for the purposes of this paragraph as it applies for the purposes of that Act.
- (9) For the purposes of this paragraph—
- (a) the persons who are to be regarded as “employed in the London underground railway industry” are those who are employed to carry on activities of a class or description specified for the purposes of this sub-paragraph in an order made by the Secretary of State; and
 - (b) 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 London underground railway industry.
- (10) In this paragraph—
- “contributing member”, in the case of any pension scheme, means a member who makes, and whose employer makes in respect of him, contributions under the scheme;
- “pensions order” means an order made otherwise than by virtue of this paragraph;

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“private sector company” means any company other than a public sector operator, within the meaning of Chapter VII of Part IV of this Act;

“relevant transaction” means—

- (a) a transfer of shares in a subsidiary of London Regional Transport to a private sector company; or
- (b) a transfer of rights and liabilities under a contract of employment.

Textual Amendments

F3 Words in Sch. 32 para. 3(3)(b) substituted (27.5.2000) by [S.I. 2000/1435, art. 2, Sch. Pt. I para. 11](#)

Commencement Information

I3 Sch. 32 para. 3: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

Marginal Citations

M3 [1996 c. 18.](#)

Power to dispense with consent of trustees

- 4 If the Secretary of State makes provision under this Act for or in connection with—
- (a) enabling employees of Transport for London, or of a subsidiary of Transport for London, or of a private sector company (within the meaning of paragraph 3 above) to participate in an LRT pension scheme, or
 - (b) enabling Transport for London, a subsidiary of Transport for London or such a company to participate as an employer in such a scheme,
- he may by order make provision requiring the trustees of the scheme or any other person whose approval or consent is necessary in connection with the doing of anything required to be done by virtue of the order to give that approval or consent.

Commencement Information

I4 Sch. 32 para. 4: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order

LRT welfare schemes

- 5 (1) The provision that may be made by order under section 411(1) of this Act includes provision with respect to the provision, under an LRT welfare scheme, of benefits for or in respect of persons who are or have been employees of—
- (a) London Regional Transport or any subsidiary of London Regional Transport; or
 - (b) Transport for London or any subsidiary of Transport for London.
- (2) For the purposes of sub-paragraph (1) above, the provisions of section 411 of this Act, and of the other paragraphs of this Schedule, shall apply in relation to an LRT welfare scheme as they apply in relation to a pension scheme, but taking references in those provisions to pensions as references to benefits and construing references to pension rights accordingly.

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- (3) The Secretary of State may by order amend the [^{F4}articles] of any company which is the trustee of an LRT welfare scheme for or in connection with permitting directors or shareholders of the company to be persons who are officers or servants of Transport for London or a subsidiary of Transport for London.

[^{F5}In this sub-paragraph “company” means a company as defined in section 1(1) of the Companies Act 2006.]

- (4) Any powers—

- (a) which were vested in the London Transport Board in relation to an LRT welfare scheme, and
(b) which have not become vested in London Regional Transport by virtue of a transfer under section 16(1) of the ^{M4}Transport (London) Act 1969 or otherwise,

shall be deemed to be vested in London Regional Transport by virtue of such a transfer.

- (5) Anything done at any time by or in relation to London Regional Transport—

- (a) before the coming into force of sub-paragraph (4) above, and
(b) in reliance on any power deemed by that sub-paragraph to be vested in London Regional Transport,

shall be as valid and effective as if the power had at that time been vested in London Regional Transport.

Textual Amendments

- F4** Word in Sch. 32 para. 5(3) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 178(9)(a)** (with art. 10)
- F5** Words in Sch. 32 para. 5(3) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 178(9)(b)** (with art. 10)

Commencement Information

- I5** Sch. 32 para. 5: by virtue of s. 425(2) the Act comes into force at Royal Assent in regards to any powers of a Minister of the Crown to make regulations or an order

Marginal Citations

- M4** 1969 c. 35.

PROSPECTIVE

Former employees of predecessors of London Regional Transport

- 6 In the application of section 411 of this Act in a case where the body or person falling within paragraph (b) of subsection (1) of that section is London Regional Transport or a subsidiary of London Regional Transport, paragraph (c) of that subsection shall have effect with the insertion, after “falling within paragraph (b) above”, of “or this paragraph”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 334(2A)-(2E) substituted for s. 334(2)-(6) by [2023 c. 55 s. 95\(2\)](#)
- s. 334(9)-(11) inserted by [2023 c. 55 s. 95\(3\)](#)
- s. 337(1A) inserted by [2023 c. 55 s. 96\(1\)\(c\)](#)
- s. 337(2)(ca) inserted by [2023 c. 55 Sch. 6 para. 15](#)
- Sch. 23 para. 1(3A) inserted by [2023 c. 55 s. 244\(2\)](#)
- Sch. 23 para. 3A3B and cross-heading inserted by [2023 c. 55 s. 244\(3\)](#)
- Sch. 23 para. 4(2A)(2B) inserted by [2023 c. 55 s. 244\(4\)](#)
- Sch. 23 para. 4A and cross-heading inserted by [2023 c. 55 s. 244\(6\)](#)