
Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Pensions. (See end of Document for details)

SCHEDULES

SCHEDULE 4

BRITISH TRANSPORT POLICE AUTHORITY

PART 3

MONEY AND PROPERTY

Pensions

- 24 (1) This paragraph applies in relation to any pension scheme which—
- (a) had effect before the commencement of this Schedule principally or exclusively for the benefit of constables of the old transport police (within the meaning of section 73(3)), and
 - (b) has effect after the commencement of this Schedule (whether or not wholly or partly by virtue of an order under that section) principally or exclusively for the benefit of constables of the Police Force.
- (2) The Secretary of State may by order vary—
- (a) the terms of the scheme;
 - (b) arrangements relating to the operation of the scheme.
- (3) An order under sub-paragraph (2) may, in particular—
- (a) amend an instrument under which a scheme has effect;
 - (b) amend an instrument regulating a scheme;
 - (c) make provision about the manner in which a scheme can be amended;
 - (d) make provision about the exercise of functions under a scheme;
 - (e) confer a function (which may include a discretionary function) on the Secretary of State.
- (4) An order under sub-paragraph (2) may not—
- (a) make provision about—
 - (i) the persons who may participate in a scheme,
 - (ii) contributions by participants,
 - (iii) contributions by employers of participants,
 - (iv) the investment of assets, or
 - (v) the winding up of all or part of the scheme,
 - (b) prevent approval of a scheme under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 (c. 1) (retirement benefit schemes), or
 - (c) prevent a scheme from being a contracted-out scheme for the purposes of Part III of the Pension Schemes Act 1993 (c. 48) or of the Pension Schemes (Northern Ireland) Act 1993 (c. 49).

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- (5) Section 67(2) to (4) of the Pensions Act 1995 (c. 26) (restriction on power to alter pension scheme) shall apply to the power conferred by sub-paragraph (2) (except in so far as may be prescribed under section 67(5)(b) of that Act).
- (6) Provision made under sub-paragraph (2) shall have effect only in so far as it is consistent with provision made under Schedule 11 to the Railways Act 1993 (c. 43).
- (7) An order under sub-paragraph (2) may not be made unless the Secretary of State has consulted the trustees of any scheme to which the order relates.

Commencement Information

I1 Sch. 4 para. 24 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 25
- (1) The Authority may with the consent of the Secretary of State arrange for the establishment of a pension scheme for the benefit of members or staff.
 - (2) A scheme established under sub-paragraph (1) may confer a function (which may include a discretionary function) on the Secretary of State.
 - (3) In this paragraph “staff” includes a constable, cadet or civilian employee of the Police Force.

Commencement Information

I2 Sch. 4 para. 25 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 26
- The Authority may make payments—
- (a) under a scheme in relation to which paragraph 24 applies;
 - (b) under a scheme which continues to have effect by virtue of or in accordance with an order under section 73(3);
 - (c) under a scheme which is established under paragraph 25;
 - (d) otherwise in respect of pensions for members, former members, staff or former staff.

Commencement Information

I3 Sch. 4 para. 26 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

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