

*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Part 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### BRITISH TRANSPORT POLICE AUTHORITY

#### PART 3

#### MONEY AND PROPERTY

##### *The British Transport Police Fund*

- 16 The Authority shall establish a fund to be known as the British Transport Police Fund.

#### Commencement Information

- I1** Sch. 4 para. 16 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 17 The Authority shall—
- (a) maintain accounts of the British Transport Police Fund, and
  - <sup>[F1]</sup>(b) send a copy of the accounts in respect of each financial year ending on or after 31st March 2005 to the Comptroller and Auditor General as soon as reasonably practicable after the end of that year.]

#### Textual Amendments

- F1** Sch. 4 para. 17(b) substituted (23.3.2005) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2005 \(S.I. 2005/913\)](#), arts. 1, [3\(3\)](#)

#### Commencement Information

- I2** Sch. 4 para. 17 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- <sup>[F2]</sup>17A. The Comptroller and Auditor General shall examine, certify and report on the accounts sent to him under paragraph 17(b) in respect of each financial year and shall lay a copy of the accounts and his report on them before each House of Parliament.]

#### Textual Amendments

- F2** Sch. 4 para. 17A inserted (23.3.2005) by [Government Resources and Accounts Act 2000 \(Audit of Public Bodies\) Order 2005 \(S.I. 2005/913\)](#), arts. 1, [3\(4\)](#)

- 18 All expenditure of the Authority shall be made by way of payment out of the British Transport Police Fund.

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**Commencement Information**

**I3** Sch. 4 para. 18 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

*Budget*

- 19 (1) The Authority shall before each financial year set a budget of expected expenditure and income for the year.
- (2) Before setting a budget the Authority shall consult—
- (a) the Treasurer, and
  - (b) the Chief Constable.
- (3) A budget must be set by a decision taken—
- (a) by majority vote at a meeting of the Authority,
  - (b) with at least half of the members of the Authority voting in favour, and
  - (c) with at least half of the members who vote being neither officers of nor employed by a person who has entered into, or is required to enter into, a police services agreement.
- (4) If the Authority has not immediately before a financial year complied with sub-paragraph (1) the Secretary of State may set a budget for the Authority for the year.
- (5) Before setting a budget under sub-paragraph (4) the Secretary of State shall consult—
- (a) each member of the Authority,
  - (b) the Treasurer, and
  - (c) the Chief Constable.

**Commencement Information**

**I4** Sch. 4 para. 19 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 20 The Authority shall make an estimate of the likely ratio of customers' contributions in accordance with section 33(4)(b)—
- (a) before and in relation to each consecutive period of five financial years, and
  - (b) at such other times and in relation to such other periods as the Authority think appropriate.

**Commencement Information**

**I5** Sch. 4 para. 20 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

*Members: remuneration, allowances, &c.*

- 21 (1) The Authority shall publish arrangements for the making of payments to or in respect of members or former members whether by way of or in respect of—
- (a) remuneration,
  - (b) allowances,
  - (c) expenses,

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- (d) compensation, or
  - (e) gratuity.
- (2) The first arrangements published under this paragraph shall come into force—
- (a) on being made, or
  - (b) at such later time as they may specify.
- (3) Subsequent arrangements published under this paragraph shall come into force at the end of the period of 12 months beginning with the date of publication.
- (4) Arrangements under this paragraph may not be made without the consent of the Secretary of State.
- (5) Arrangements under this paragraph shall, in particular, provide that compensation may be paid by the Authority to a person who ceases to be a member only if the Secretary of State thinks it appropriate because of special circumstances.
- (6) The Authority may make payments in accordance with arrangements published under this paragraph.

**Commencement Information**

**I6** Sch. 4 para. 21 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

*General staff: remuneration, allowances, &c.*

- 22 (1) The Authority may make payments to or in respect of staff or former staff whether by way of or in respect of—
- (a) remuneration,
  - (b) allowances,
  - (c) expenses,
  - (d) compensation, or
  - (e) gratuity.
- (2) In this paragraph “staff” does not include a constable, cadet or civilian employee of the Police Force.

**Commencement Information**

**I7** Sch. 4 para. 22 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

*Constables, &c.: remuneration, allowances, &c.*

- 23 (1) The Authority may make payments to or in respect of a person who is or has been a constable, cadet or civilian employee of the Police Force—
- (a) in accordance with the terms of the person’s appointment, and
  - (b) subject to any provision made by or under this Act.
- (2) The Authority may make payments to or for a person who is or has been a constable of the Police Force in respect of proceedings brought against the person in relation to anything done or not done in the course of or in connection with his duties.

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- (3) The Authority may on the recommendation of the Chief Constable make a payment to a constable or cadet by way of reward for—
- (a) exceptional diligence, or
  - (b) other specially meritorious conduct.

**Commencement Information**

**18** Sch. 4 para. 23 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

*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).
- (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).

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- (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**

**I9** 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**

**I10** 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**

**I11** Sch. 4 para. 26 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

*Income*

- 27 The Secretary of State may make a payment to the Authority—
- (a) by way of grant (subject to such conditions, if any, as the Secretary of State may specify), or
  - (b) by way of loan (on such terms, as to interest or otherwise, as the Secretary of State may specify).

**Commencement Information**

**I12** Sch. 4 para. 27 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 28 The Authority may accept money or other property, by way of grant, loan or otherwise, from any person (whether or not subject to conditions or terms).

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**Commencement Information**

**I13** Sch. 4 para. 28 in force at 1.7.2004 by [S.I. 2004/1572](#), **art. 3(iii)**

- 29 The Authority may borrow money only from or with the consent (which may be general or specific) of the Secretary of State.

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**Commencement Information**

**I14** Sch. 4 para. 29 in force at 1.7.2004 by [S.I. 2004/1572](#), **art. 3(iii)**

- 30 All money received by the Authority shall be paid into the British Transport Police Fund.

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**Commencement Information**

**I15** Sch. 4 para. 30 in force at 1.7.2004 by [S.I. 2004/1572](#), **art. 3(iii)**

*Property*

- 31 The Authority may acquire, develop or dispose of property.

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**Commencement Information**

**I16** Sch. 4 para. 31 in force at 1.7.2004 by [S.I. 2004/1572](#), **art. 3(iii)**

*Financial year*

- 32 The financial year of the Authority shall be the period of twelve months ending with 31st March.

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**Commencement Information**

**I17** Sch. 4 para. 32 in force at 1.7.2004 by [S.I. 2004/1572](#), **art. 3(iii)**

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