

SCHEDULE 2

Article 3

FUNCTIONS, PROPERTY, RIGHTS AND LIABILITIES TRANSFERRED

1. Subject to paragraph 4, the functions, property, rights and liabilities which are transferred by article 3 are—

- (a) the functions of the Residuary Body as an administering authority under the 1986 Regulations, together with the superannuation fund maintained by the Residuary Body and all property, rights and liabilities in respect of it;
- (b) the rights and liabilities of the Residuary Body in respect of benefits payable by it under Part L of those Regulations;
- (c) the functions, property, rights and liabilities of the Residuary Body in respect of pensions payable by it otherwise than under those Regulations;
- (d) without prejudice to the foregoing, the functions, rights and liabilities which are vested in or fall to be discharged by the Residuary Body under or by virtue of section 61 of the 1985 Act (payment of pensions increases); and
- (e) any monies or other property held or used by the Residuary Body exclusively for or in connection with the matters referred to in sub-paragraph (d) above.

2. For the purposes of paragraph (1) “property” includes land held as an investment of the superannuation fund and land acquired by the Residuary Body after 1st September 1989 exclusively for the purposes of carrying out its functions in relation to the superannuation fund, but excludes any other land.

3. In paragraph 1(c), references to pensions include references to allowances, grants or other benefits in respect of past service, death, injury or disease (whether of the pensioner or another person) but do not include—

- (a) compensation under regulations made under section 24 of the Superannuation Act 1972⁽¹⁾;
- (b) any other compensation as is mentioned in section 8(1)(b) of the Pensions (Increase) Act 1971; or
- (c) any compensation payable by the Residuary Body under the London Government Reorganisation (Staff Compensation) Order 1988⁽²⁾.

4.—(1) The rights and liabilities of the Residuary Body in respect of benefits payable by it under Part L of the 1986 Regulations arising in relation to an employment with the Residuary Body shall not transfer under article 3.

(2) There shall not transfer under article 3 any matter mentioned in paragraph 1(d) (payment of pension increases) in cases where the payment of the relevant pension remains the function of the Residuary Body.

(3) There shall not transfer under article 3 any obligation relating to the Residuary Body’s members arising under paragraph 3 of Schedule 13 to the 1985 Act.

(4) There shall not transfer under article 3 any matter relating to the making of payments under a scheme made pursuant to section 59(3) of the 1985 Act.

(1) 1972 c. 11.
(2) S.I.1988/1542.