

2014 No. 500

MINISTERS OF THE CROWN

**The Transfer of Functions (Royal Mail Pension Plan) Order
2014**

Made - - - - *5th March 2014*

Laid before Parliament *12th March 2014*

Coming into force - - *2nd April 2014*

At the Court at Buckingham Palace, the 5th day of March 2014

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 1 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Royal Mail Pension Plan) Order 2014.

(2) This Order comes into force on 2nd April 2014.

Transfer of functions

2.—(1) The functions of the Secretary of State under the Postal Services Act 2011 (Transfer of Accrued Pension Rights) Order 2012(b) are transferred to the Minister for the Civil Service.

(2) The functions of the Secretary of State under the following provisions of the Postal Services Act 2011(c) are to be exercisable concurrently with the Minister for the Civil Service—

(a) in Part 2 (Royal Mail Pension Plan)—

(i) section 16 (introduction);

(ii) section 17 (transfer of qualifying accrued rights to new public scheme);

(iii) section 20 (protection against adverse treatment);

(iv) section 24 (information);

(v) section 25 (orders and regulations);

(b) in Part 5 (general), section 91 (minor and consequential amendments).

(a) 1975 c. 26. Section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

(b) S.I. 2012/687.

(c) 2011 c. 5.

(3) In this Order “transferred function” means a function transferred to the Minister for the Civil Service by paragraph (1) or directed to be exercisable concurrently with that Minister by paragraph (2).

Transfer of property, rights and liabilities

3. There are transferred to the Minister for the Civil Service all property, rights and liabilities to which the Secretary of State is entitled or subject at the coming into force of this Order—

- (a) under the agreement between the Secretary of State for Business, Innovation and Skills, Royal Mail Group Limited and Post Office Limited relating to the administration of the Royal Mail Statutory Pension Scheme which was entered into on 20th December 2012, or
- (b) otherwise in connection with any function transferred by article 2(1).

Supplementary

4.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State before the coming into force of this Order.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State may, so far as it relates to a transferred function or anything transferred by article 3, be continued by or in relation to the Minister for the Civil Service.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with a transferred function or anything transferred by article 3 has effect, so far as is necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Minister for the Civil Service.

(4) Documents or forms printed for use in connection with a transferred function or anything transferred by article 3 may be used in connection with that function or thing even though they contain references to (or references which are to be read as references to) the Secretary of State; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read, so far as is necessary for the purposes of or in consequence of article 2 or 3, as if they were or included references to the Minister for the Civil Service.

(5) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of article 2 or 3, as if references to (and references which are to be read as references to) the Secretary of State were or included references to the Minister for the Civil Service.

(6) In paragraphs (1) to (5)—

- (a) references to the Secretary of State include references to the department for Business, Innovation and Skills or an officer of the Secretary of State, and
- (b) references to the Minister for the Civil Service include references to the Cabinet Office or an officer of the Minister for the Civil Service accordingly.

(7) In paragraph (5) “instrument” includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Consequential amendments

5.—(1) The Postal Services Act 2011 is amended as follows.

(2) In section 17 (transfer of qualifying accrued rights to new public scheme), in subsections (1), (2) and (8) (in both places), before “Secretary of State” insert “Minister for the Civil Service or the”.

(3) In section 20 (protection against adverse treatment)—

- (a) in subsection (1)—

- (i) omit “the exercise by the Secretary of State of”;
- (ii) at the beginning of paragraph (a) insert “the exercise by the Minister for the Civil Service or the Secretary of State of”;
- (iii) at the beginning of paragraph (b) insert “the exercise by the Secretary of State of”;
- (b) in subsections (2) and (4), for “Secretary of State” substitute “Minister making the order”;
- (c) in subsection (6), before “Secretary of State” insert “Minister for the Civil Service or the”.
- (4) In section 21 (transfer of assets of the RMPP), in subsection (1)(a) and (c), before “Secretary of State” insert “Minister for the Civil Service or the”.
- (5) In section 24 (information)—
 - (a) in subsection (1) (in both places), before “Secretary of State” insert “Minister for the Civil Service or the”;
 - (b) in subsection (3), before paragraph (a) insert—
 - “(za) the Minister for the Civil Service.”
- (6) In section 25 (orders and regulations), in subsections (1), (2) and (5) before “Secretary of State” insert “Minister for the Civil Service or the”.
- (7) In section 26(1) (interpretation of Part 2), for the definition of “prescribed” substitute—
 - ““prescribed” means—
 - (a) in section 22(3), specified in, or determined in accordance with, an order made by the Secretary of State;
 - (b) elsewhere in this Part, specified in, or determined in accordance with, an order made by the Minister for the Civil Service or the Secretary of State.”
- (8) In section 89(1) (orders and regulations made by Ministers of the Crown), after “Secretary of State,” insert “the Minister for the Civil Service.”
- (9) In section 91(3) (minor and consequential amendments), before “Secretary of State” insert “Minister for the Civil Service, the”.
- 6.—(1)** The Postal Services Act 2011 (Transfer of Accrued Pension Rights) Order 2012(a) is amended as follows.
 - (2) After article 14 insert—

“References to Minister for the Civil Service

15. References in this Order to the Minister for the Civil Service shall be construed, in relation to times before the coming into force of the Transfer of Functions (Royal Mail Pension Plan) Order 2014, as references to the Secretary of State.”

- (3) In Schedule 1 (Royal Mail Statutory Pension Scheme Rules), substitute “Minister for the Civil Service” for “Secretary of State” in each place it occurs except—
 - (a) paragraph 1(1) of Part 1;
 - (b) the first place it occurs in paragraph 3(9) of Part 2;
 - (c) paragraphs 16(2)(b) and 17(4) of Part 5.
- (4) In Schedule 2 (restrictions on amendments to the Royal Mail Statutory Pension Scheme Rules), for “Secretary of State” in each place it occurs substitute “Minister for the Civil Service”.
- (5) In Schedule 3 (pension sharing orders, pension attachment orders and other orders related to earnings), in paragraph 10, for “Secretary of State” substitute “Minister for the Civil Service”.
- (6) In Part 2 of Schedule 4 (treating the Royal Mail Statutory Pension Scheme as a salary-related contracted-out scheme), in paragraph 12, for “Secretary of State” substitute “Minister for the Civil Service”.

(a) S.I. 2012/687.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under section 1 of the Ministers of the Crown Act 1975. Article 2(2) of the Order makes provision for the functions of the Secretary of State (currently exercised by the Secretary of State for Business, Innovation and Skills) relating to the pension scheme established under section 17 of the Postal Services Act 2011 (the 2011 Act) to be exercisable concurrently with the Minister for the Civil Service.

The pension scheme established under section 17 of the 2011 Act is the Royal Mail Statutory Pension Scheme (RMSPS), established by the Postal Services Act 2011 (Transfer of Accrued Pension Rights) Order 2012 (the 2012 Order). Article 2(1) of this Order transfers the functions of the Secretary of State under the 2012 Order to the Minister for the Civil Service (who currently has management responsibility for the RMSPS). Article 3 transfers property, rights and liabilities in connection with the functions transferred by article 2(1).

Article 4 of this Order makes supplemental provision in connection with articles 2 and 3. Articles 5 and 6 make consequential amendments.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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