Draft Order laid before Parliament under paragraph 13(1) of the Schedule 11 to the Railways Act 1993, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No. 0000

TRANSPORT

The Railway Pensions (Transfer of Pension Schemes) Order 2007

Made - - - -	*2007*
Coming into force - -	*1st August 2007*

The Secretary of State makes the following Order exercising the powers conferred by paragraphs 4 and 12 of Schedule 11 to the Railways Act 1993 (**1**).

In accordance with paragraph 4(5) of Schedule 11, the trustees of the occupational pension schemes which are, or are to be, the transferor schemes and the transferee scheme have consented to the making of this Order.

In accordance with paragraph 13(2) of Schedule 11 to the Railways Act 1993 the Secretary of State has laid before each House of Parliament a copy of the comments on this Order which have been made in writing to him by the trustees of the transferor schemes and the transferee scheme and which those trustees have designated as comments which they wish him to consider as comments on this Order and which have been received by him before the expiration of the consultation period.

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Railway Pensions (Transfer of Pension Schemes) Order 2007 and shall come into force on 1st August 2007.

Interpretation

2. In this Order—

"1974 Fund" means the B.R. (1974) Pension Fund;

"Schedule 11" means Schedule 11 to the Railways Act 1993;

"transfer date" means the date on which this Order comes into force;

(**1**) 1993 c 43

"transferee scheme" means the 1994 Pensioners Section of the Railways Pension Scheme;

"transferor scheme" means any one of the following schemes and "transferor schemes" means all of such schemes—

(a) the 1974 Fund;

(b) The London and North Western Railway Provident Society for providing pensions for widows and orphans of the salaried staff;

(c) Great Western Railway Supplemental Pensions Reserve Fund;

(d) The Great Western Railway Salaried Staff Widows' and Orphans' Pension Society;

(e) The Great Northern Railway Superannuation Fund;

(f) Great Western Railway Inspectors and Foremen's Special Pension Fund;

(g) The Southern Railway (South Eastern and Chatham Section) Enginemen & Motormen's Pension Fund Society (**2**).

"transferring member" means a person who immediately before the transfer date—

(a) has pension rights under a transferor scheme; but

(b) does not include persons who have pension rights under the 1974 Fund unless that person also has pension rights under at least one of the other transferor schemes; and

"transferring members" means all such members.

Transfer of pension rights

3. On the transfer date—

(a) each transferring member shall—

(i) become a member of the transferee scheme; and

(ii) cease to be a member of each transferor scheme of which he was a member immediately before the transfer date; and

(b) all of the pension rights of the transferring members under the transferor schemes shall be transferred so as to become pension rights under the transferee scheme.

Transfer of assets and liabilities

4.—(1) In consequence of the transfer of pension rights under article 3, on the transfer date—

(a) all of the assets held by the trustees of the transferor schemes for the purposes of those schemes, except those assets held by the trustees of the 1974 Fund; and

(b) subject to paragraph (3), all of the liabilities of the trustees under or in relation to each transferor scheme;

shall be transferred to the trustees of the transferee scheme and shall become assets of, or as the case may be, liabilities under or in relation to, the transferee scheme.

(2) In consequence of the transfer of pension rights under article 3, on the transfer date the liability of any employer participating in a transferor scheme to pay contributions in respect of the transferring members shall be transferred to the employer participating in the transferee scheme.

(3) Paragraph (1)(b) shall only transfer liabilities under or in relation to the 1974 Fund which relate to transferring members.

(**2**) All of the transferor schemes were designated as existing schemes for the purpose of paragraph 1 of Schedule 11 to the Railways Act 1993 by article 15 of and the schedule to the Railway Pensions (Protection and Designation of Schemes) Order 1994 (S.I. 1994/1432).