1968 No. 1577

CIVIL AVIATION

The Air Corporations (General Staff, Pilots and Officers Pensions) (Amendment) Regulations 1968

Made - - - - 2*nd October* 1968

Coming into Operation 11*th October* 1968

The Board of Trade, in exercise of their powers under section 24 of the Air Corporations Act 1967(**a**) and of all other powers enabling them in that behalf, after consulting with each of the Corporations and with such organisations representative of the employees to whom the Regulations will relate as appear to the Board to be appropriate, hereby make the following Regulations:—

1.—(1) The Joint Pension Scheme established and maintained by virtue of the Air Corporations (Pensions) Regulations 1948 to 1967(**b**) shall be in accordance with the provisions of the Trust Deed and amending Deeds, copies of which are set out in the Schedules to those Regulations as further amended by a Deed dated 20th May 1968 a copy of which is set out in the Schedule to these Regulations.

(2) The said Deed dated 20th May 1968 is accordingly confirmed and shall come into operation on 11th October 1968.

2. B.O.A.C. Restaurants Limited and B.E.A. Helicopters Limited (being respectively subsidiaries of British Overseas Airways Corporation and British European Airways Corporation) whose employees are admitted to the Scheme by virtue of the said Deed dated 20th May 1968, and each of their employees who is a member of the Scheme shall, for the purpose of providing funds from which benefits under the said Scheme may be paid, pay contributions in accordance with the provisions of the said Trust Deeds.

3. Contributions and benefits shall be paid in respect of the service of such an employee with B.O.A.C. Restaurants Limited or with B.E.A. Helicopters Limited before the coming into force of these Regulations in accordance with the provisions of the said Trust Deeds.

4.—(1) These Regulations shall come into operation on 11th October 1968 and may be cited as the Air Corporations (General Staff, Pilots and Officers Pensions) (Amendment) Regulations 1968.

(2) These Regulations—

(*a*) shall be construed as one with the Air Corporations (General Staff Pensions) Regulations 1948(**c**);

(**a**) 1967 c. 33.

(**b**) *See* S.I. 1948/2361 (Rev. I, p. 1275: 1948 I, p. 437) and amending instruments down to S.I. 1967/739 (1967 II, p. 2182).

(**c**) S.I. 1948/2361 (Rev. I, p. 1275: 1948 I, p. 437).

(*b*) may be cited together with the Air Corporations (Pensions) Regulations 1948 to 1967 as the Air Corporations (Pensions) Regulations 1948 to 1968.

5. The Interpretation Act 1889(**a**) shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

Geoffrey Parker,

An Under Secretary of the Board of Trade.

2nd October 1968.

SCHEDULE

THIS DEED is made the 20th day of May One thousand nine hundred and sixty eight BETWEEN BRITISH OVERSEAS AIRWAYS CORPORATION whose principal office is situate at B.O.A.C. Headquarters Heathrow Airport (London) Hounslow in the County of Middlesex and BRITISH EUROPEAN AIRWAYS CORPORATION whose principal office is situate at Bealine House, Ruislip in the County of Middlesex (hereinafter called "the Corporations") of the first part B.O.A.C. RESTAURANTS LIMITED (hereinafter called "BRL") of the second part B.E.A. HELICOPTERS LIMITED (hereinafter called "Helicopters") of the third part Rankin Lorimer Weir, Derek Harding Glover, Angus John Dore Betts, Robert Gilchrist Cunningham, Ralph Arthur Fuller, John Reginald Gorman, Cyril Alfred Herring, Reginald Banwell Johnson, Charles George Klimcke, Thomas Nisbet, John Charles William Springbett and Frank Charles Teague, the Management Trustees for the time being of the Airways Corporations Joint Pension Scheme (hereinafter called "the Management Trustees") of the fourth part and AIRWAYS CORPORATIONS JOINT PENSION FUND TRUSTEES LIMITED (hereinafter called "the Custodian Trustees" which expression shall include the Custodian Trustees for the time being) of the fifth part AND IS supplemental to the various Deeds set out in the Air Corporations Pensions Regulations 1948 to 1967.

WHEREAS

(1) BRL and Helicopters (hereinafter together referred to as "the Additional Employers") are respectively subsidiaries of British Overseas Airways Corporation and British European Airways Corporation for the purposes of Section 24 of the Air Corporations Act 1967.

(2) The parties hereto are desirous of extending the Airways Corporations Joint Pension Scheme so as to enable employees of the Additional Employers to be admitted to membership of the Scheme.

(3) The parties hereto are also desirous of effecting certain additional amendments to the Trust Deed and to the Rules of the Scheme

(4) At a meeting of the Management Trustees held on the fourteenth day of February 1968 the said Rankin Lorimer Weir and the said Charles George Klimcke were appointed to execute this Deed in accordance with the provisions of Clause 18 of the said Trust Deed

(**a**) 1889 c. 63.

NOW IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:—

1. The Additional Employers shall be deemed to be parties to the various Deeds set out in the Air Corporations Pensions Regulations 1948-1967.

2. The Additional Employers shall enjoy all the rights and shall assume all the obligations of an Employer arising under the Trust Deed and Rules of the Scheme.

3. In Clause 1 of the Trust Deed, for the definition of "Employer" there shall be substituted the following definition—
"Employer" means whichever of the following persons or bodies is the Employer of a Member for the time being:—

(*a*) British Overseas Airways Corporation

(*b*) British European Airways Corporation

(*c*) B.O.A.C. Restaurants Limited

(*d*) B.E.A. Helicopters Limited

4. The Trust Deed shall be amended as follows:—

(i) In Clause 2 the word "Corporations" shall be deleted and replaced by the word "Employers".

(ii) In Clauses 3, 11(*a*) and 11(*b*) the expression "each of the Corporations" shall be deleted and replaced by the expression "each Employer".

(iii) In Clauses 7, 18(ii), 19(*c*) and 21, and in Clause 19(*a*) where the expression occurs for the second time, the expression "the Corporations" shall be deleted and replaced by the expression "an Employer".

(iv) In Clauses 11(*b*), 11(*c*), 11(*d*) and 12(*a*), the expressions "a Corporation", "the Corporation", "that Corporation", "one Corporation", shall be deleted and replaced respectively by the following expressions, "an Employer", "the Employer", "that Employer", "one Employer".

(v) In Clause 11(*f*) the expression "any of the Corporations" shall be deleted and replaced by the expression "any Employer".

(vi) After Clause 19 an additional Clause shall be added as follows:—
"19A. If at any time hereafter either BRL or Helicopters cease to be such an undertaking as is described in Section 24 1(*b*) of the Air Corporations Act 1967, the following provisions shall have effect:—

(*a*) The liability of BRL or Helicopters as the case may be (hereinafter referred to as "the Employer in question") to make further contributions to the Fund shall subject as provided in Clause 19 A (*b*) be extinguished and the Scheme shall be wound up so far only as regards (i) Pensioners in the employment of the Employer in question at the date of their becoming Pensioners and (ii) Members then in the service of the Employer in question and not thereupon transferred to the service of another Employer.

(*b*) The appropriate parts only of the fund (to be certified by the Actuary) shall be dissolved and the Scheme shall continue so far as regards all other Members and Pensioners and Clause 19(*c*) of the Trust Deed shall apply mutatis mutandis in relation to those parts of the Fund which are to be dissolved.

(*c*) In the event of the aforesaid dissolution of the appropriate part or parts of the Fund (otherwise than as a consequence of the termination of the Scheme) such part or parts shall be converted into money (with power to postpone such conversion) and subject to the payment of all

costs charges and expenses then owing including any amount due to the Commissioners of Inland Revenue the proceeds of such conversion may notwithstanding any contrary provision contained in the Trust Deed of the Scheme be applied under the direction of the Management Trustees for the benefit of the Pensioners and members referred to in paragraph (*a*) above in the payment of such deferred pensions and refunds of contribution as are due".

5. Clause 6 of the Trust Deed shall be amended by deleting sub-paragraph (vii) of paragraph (*a*) thereof and substituting therefor the following sub-paragraph:

"(vii) (*a*) The purchase or the advance of money upon the security of preference preferred or ordinary stock or shares of any public company incorporated with limited liability in the United Kingdom provided that the shares of the company are quoted on a Stock Exchange or permission has been granted to deal in its shares.

(*b*) The purchase of any ordinary stock or shares of any company incorporated with limited liability in the United Kingdom which ordinary stock or shares are not quoted on a Stock Exchange and in respect of which no permission to deal has been granted provided that the total investment in such ordinary stock or shares shall not exceed ten per cent of the value at cost of all ordinary stock or shares held

(*c*) The purchase of shares in any company incorporated in the United Kingdom which has the acquisition and development of immoveable property as a main object

(*d*) The purchase of units or other shares in investments where such units or shares are subject to the trusts of a unit or similar trust scheme and the investments are predominantly in the acquisition and development of immoveable property.

PROVIDED ALWAYS that no additional money shall be invested in or advanced on the security of any such stock or shares so long as the aggregate of the value at cost of all such stock or shares held and the value at the time of acceptance of all such stock or shares accepted as security for the advance of money by the Fund equals or exceeds Fifty per cent of the total value at cost of the assets of the Fund"

6. Rule 28(*c*) of Part IV and Rule 29(*c*) of Part V shall be amended to read as follows:

"(*c*) The Management Trustees shall at the request of an Employer pay out of the Fund or receive for the purposes of the Fund any sum by way of transfer value for the purposes of any rules made under the Superannuation (Miscellaneous Provisions) Act, 1948 or the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951 and for the time being in force".

7. In this Deed references to the Rules of Part IV shall include a reference to Part IV Rules—Pilots Option A, Part IV Rules—Pilots Option B, Part IV Rules—Officers Option A and Part IV Rules—Officers Option B.

8. In this Deed references to the Rules of Part V shall include a reference to Part V Rules—General Staff, Pilots, Officers Option A, and Part V Rules—Officers Option B.

9. Save as expressly altered amended or varied hereby the Trust Deed and the Schedules thereto as heretofore amended shall continue and remain in force and shall have effect as if the alterations amendments or variations herein set out were where applicable inserted therein.

10. This Deed is conditional on its being confirmed by Regulations made by the Board of Trade under Section 24 of the Air Corporations Act, 1967 and if so confirmed shall come into force on such date as may be specified in that behalf in such Regulations.

IN WITNESS WHEREOF the Corporations, BRL, Helicopters and the Custodian Trustees have caused their respective Common Seals to be hereunto affixed and the Management Trustees have hereunto set their hands and seals the day and year first before written

THE COMMON SEAL of BRITISH OVERSEAS AIRWAYS CORPORATION was hereunto affixed in the presence of: (L.S.)

G. H. C. LEE
Member

R. M. FORREST
Secretary

THE COMMON SEAL of BRITISH EUROPEAN AIRWAYS CORPORATION was hereunto affixed in the presence of: (L.S.)

H. E. MARKING
Member

M. J. LESTER
Secretary

THE COMMON SEAL of B.O.A.C. RESTAURANTS LIMITED was hereunto affixed in the presence of: (L.S.)

J. R. GORMAN
Director

D. G. DODSON
Secretary

THE COMMON SEAL of B.E.A. HELICOPTERS LIMITED was hereunto affixed in the presence of: (L.S.)

J. A. CAMERON
Director

R. D. KEEFE
Secretary

SIGNED SEALED AND DELIVERED by the said RANKIN LORIMER WEIR in the presence of: R. L. WEIR (L.S.)

M. C. SLATER

SIGNED SEALED AND DELIVERED by the said CHARLES GEORGE KLIMCKE in the presence of: C. G. KLIMCKE (L.S.)

M. C. SLATER

THE COMMON SEAL of AIRWAYS CORPORATIONS JOINT PENSION FUND TRUSTEES LIMITED was hereunto affixed in the presence of: (L.S.)

R. L. WEIR
Director

H. BROMAGE
Secretary

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Airways Corporations Joint Pensions Scheme. The principal changes, the details of which are specified in the Deed of which a copy is set out in the Schedule to the Regulations, are as follows:

(1) Provision is made whereby employees of B.O.A.C. Restaurants Limited and B.E.A. Helicopters Limited, which are subsidiaries respectively of B.O.A.C. and B.E.A., can be admitted to the Scheme. Provision is also made for the two subsidiaries to have the rights and obligations of an employer under the Trust Deed and Rules of the Scheme and for payment of contributions by the subsidiaries and their employees.

(2) Provision is made for the dissolution of the appropriate part of the Pension Fund if either of the two subsidiaries ceases to be a subsidiary.

(3) The investment clause of the Trust Deed is amended so as to permit investment in the ordinary stock or shares of United Kingdom companies not quoted on a Stock Exchange and in unit or similar trust schemes whose investments are predominantly in the acquisition and development of immoveable property.

(4) Amendments are made to Parts IV and V of the Rules scheduled to the Trust Deed so as to permit the Management Trustees to pay out or receive sums by way of transfer value for the purposes of Rules made under the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951.