The Airways Corporations (General Staff Pensions) Regulations, 1950

1950 No. 2056

Made - - - - 11*th December*, 1950

Whereas by the Airways Corporations (General Staff Pensions) Regulations, 1948(**a**), provision was made for the establishment and maintenance of a Pension scheme in accordance with the provisions of the Trust Deed, a copy of which was set out in the Schedule to those Regulations ;

And Whereas it is expedient to amend the said Scheme ;

Now therefore the Minister of Civil Aviation in exercise of the powers conferred upon him by Section 21 of the Air Corporations Act, 1949(**b**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) The Pension Scheme established and maintained by virtue of the Airways Corporations (General Staff Pensions) Regulations, 1948, in accordance with the provisions of the Trust Deed, a copy of which was set out in the Schedule to those Regulations, shall be in accordance with the provisions of that Trust Deed as amended by the Deed dated the 13th day of September, 1950, a copy of which is set out in the Schedule to these Regulations.

(2) The said Deed dated the thirteenth day of September, 1950, is hereby accordingly confirmed and shall come into force on the eleventh day of December, 1950.

2.—(1) These Regulations may be cited as the Airways Corporations (General Staff Pensions) Regulations, 1950, and shall come into force on the eleventh day of December, 1950.

(**a**) S.I. 1948 (No. 2361) I, p. 437. (**b**) 12, 13 & 14 Geo. 6. c. 91.

(2) The Interpretation Act, 1889(a), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Dated this eleventh day of December, 1950.

Pakenham,
Minister of Civil Aviation.

SCHEDULE

THIS DEED made the thirteenth day of September One thousand nine hundred and fifty BETWEEN BRITISH OVERSEAS AIRWAYS CORPORATION whose office is situate at Airways House Great West Road Brentford in the County of Middlesex and BRITISH EUROPEAN AIRWAYS CORPORATION whose office is situate at Keyline House Northolt in the County of Middlesex aforesaid (hereinafter called "the Corporations") of the first part JOHN EDWARD VALENTINE TYZACK RANKIN LORIMER WEIR LORD KERSHAW BERNARD GEORGE PORTER JAMES OGILVY BLAIR CUNYNGHAME JOHN WYNFORD GEORGE JAMES JAMES MILLER THOMAS LLOYD AVON SPURGIN LUCKING the Management Trustees for the time being of The Airways Corporations Joint Pension Scheme (hereinafter called "the Management Trustees") of the second 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 third part and is SUPPLEMENTAL to a Deed dated the eighth day of October One thousand nine hundred and forty-eight between British Overseas Airways Corporation British European Airways Corporation and British South American Airways Corporation of the first part and Grahame Temple Meller Alan Raymond Esden John Edward Valentine Tyzack Rankin Lorimer Weir Lord Kershaw Bernard George Porter John Wynford George James Reginald Vernon France James Miller Thomas Lloyd Edward William Carter Avon Spurgin Lucking of the second part and Airways Corporations Joint Pension Fund Trustees Limited of the third part which Deed (hereinafter called "the said Deed") was confirmed by the Minister of Civil Aviation pursuant to Section 20 of the Civil Aviation Act 1946 by Regulations made the twenty-fifth day of October One thousand nine hundred and forty-eight

WHEREAS:

1. By virtue of the Airways Corporations Act 1949 (hereinafter called "the said Act") provision was made for the merger of the British South American Airways Corporation with the British Overseas Airways Corporation and on the Thirtieth day of July One thousand nine hundred and forty nine all property of the British South American Airways Corporation situated in the United Kingdom and all rights liabilities and obligations of that Corporation which were enforceable in the United Kingdom were by virtue of the said Act and without further assurance transferred to the British Overseas Airways Corporation

2. The rights and liabilities of the British South American Airways Corporation in The Airways Corporations Joint Pension Scheme were by virtue of the provisions of the said Act transferred to the British Overseas Airways Corporation including the right for each Corporation to appoint two Management Trustees so that after the said date the British Overseas Airways Corporation became entitled to appoint four Management Trustees and the British European Airways Corporation two Management Trustees

3. The parties hereto are desirous of amending Clause 12 (a) of the said Deed and certain other provisions of the said Deed and the Rules contained in the Schedule thereto in the manner hereinafter appearing

(a) 52 & 53 Vict. c. 63.

4. At a Meeting of the Management Trustees held on the fourth day of August One thousand nine hundred and fifty the said Right Honourable Lord Kershaw and the said Avon Spurgin Lucking were appointed to execute this Deed in accordance with the provisions of Clause 18 of the said Deed

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

1. SUB-PARAGRAPH (a) of Clause 12 of the said Deed shall be amended by substituting therefor the following sub-paragraph:—(a) "The Management Trustees shall be twelve in number British Overseas Airways Corporation and British European Airways Corporation shall each appoint three Management Trustees (hereinafter collectively known as "the Employers' Representatives") and the Members shall appoint six Management Trustees (hereinafter collectively known as "The Members' Representatives") one of whom shall be a Pilot of aircraft one of whom shall be either a Radio Officer Navigating Officer or an Engineer Officer of aircraft and four of whom shall be representatives of other categories of staff such categories to be nominated by the National Joint Council for Civil Air Transport Any change of category shall only have effect from the date of retirement of a Members' Representative under sub-clause (c) hereof The Members' Representatives shall be Members of the Scheme and not more than three of the Members' Representatives shall be in the employment of any one Corporation Provided that in the event of a Members' Representative ceasing to be employed in the occupational category to which he belonged at the date of his appointment as a Members' Representative then he shall not for such reason alone be ineligible to continue in office until he retires by rotation in accordance with sub-clause (c) hereof"

2. THE Schedule to the said Deed shall be amended in the manner set out in the Schedule hereto

3. ANY reference in the said Deed or the Schedule thereto excepting only references in Rules 13 (g) and 14 (b) (as amended by this Deed) to the British South American Airways Corporation shall be construed as a reference to the British Overseas Airways Corporation

4. SAVE as expressly altered amended or varied hereby the said Deed shall continue and remain in force and shall have effect as if the alterations amendments or variations herein set out were inserted therein

5. THIS Deed is conditional on its being confirmed by Regulations made by the Minister of Civil Aviation under Section 21 of the Air Corporations Act 1949 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 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

Given under the Common Seal of British Overseas Airways Corporation in the presence of

J. RONALD MCCRINDLE, *Member.*

(L.S.) K. H. STAPLE, *Secretary.*

Given under the Common Seal of British European Airways Corporation in the presence of:—

A. C. PING,
Member.

(L.S.) P. C. F. LAWTON,
Secretary.

Signed Sealed and Delivered by the said Right Honourable Lord Kershaw in the presence of:—

KERSHAW.

S. R. BRIMBLECOMBE,
84, Blockley Road,
North Wembley,
Middlesex.
Chartered Secretary.

Signed Sealed and Delivered by the said Avon Spurgin Lucking in the presence of:—

A. S. LUCKING.

S. R. BRIMBLECOMBE,
84, Blockley Road,
North Wembley,
Middlesex.
Chartered Secretary.

Given under the Common Seal of Airways Corporations Joint Pension Fund Trustees Limited in the presence of:—

KERSHAW,
Director.

(L.S.)

S. R. BRIMBLECOMBE,
Secretary.

THE SCHEDULE above referred to

ALTERATIONS TO THE RULES OF THE AIRWAYS CORPORATIONS JOINT PENSION SCHEME PART I—GENERAL STAFF

1. Rule 3. Delete the words "Compulsory for Employees" from the title of this Rule. Insert an additional paragraph to read as follows:—

"No Employee having attained the age of fifty years in the case of males and the age of forty-five years in the case of females at the date of their joining the service of an Employer shall be eligible to join the Scheme and no Employee shall be eligible to join the Scheme before attaining the age of twenty years."

Such additional paragraph to precede the paragraphs in the present text.

2. Rule 6. Add the following sub-paragraph:—

"(*c*) A Member's own contributions means such contributions as a Member shall have made to the Scheme and where his interest in the British Overseas Airways Corporation Pension Fund and Staff Insurance Scheme or any similar Scheme has been transferred as provided in Rule 4 his contributions to that Scheme."

3. Rule 10. Insert a new paragraph to be lettered (*g*) and to read as follows:—

"(*g*) Any sum payable under this Rule to the Estate of a deceased Member shall be reduced by any amount paid or payable under Rule 11 paragraph (*a*) or (*b*)."

4. Rule 11. Insert a new paragraph to be lettered (*h*) and to read as follows:—

"(*h*) For the purposes of this Rule accident means a bodily injury caused by violent external and visible means and shall not include any disease whether arising from a Member following his occupation or otherwise."

5. Rule 13. Delete paragraph (*b*) of Rule 13 and substitute therefor the following paragraphs:—

"(*b*) Members who leave the service of an Employer of their own volition after five or more years' service or who not being persons to whom paragraph (*c*) of this Rule applies are discharged from the service of an Employer at any time or who at the request of an Employer retire from his service before their normal retirement ages shall have the option to accept one of the following alternatives:—

(i) To receive back their own contributions plus compound interest thereon at the rate of two and a half per centum per annum;

(ii) To receive a deferred pension commencing at the normal retirement age appropriate to their period of membership under these Rules according to the First Table;

(iii) If within ten years of their normal retirement age to receive an Immediate or Deferred Pension of reduced amount any such Pension being actuarially equivalent to the pension payable under (*b*) (ii) of this Rule. The date at which such a deferred pension shall commence shall be determined by the Member at or after withdrawal.

In all cases where a former member has elected to receive a deferred pension under sub-paragraphs (ii) or (iii) above and at a subsequent date before his Pension has commenced wishes to receive a return of his own Contributions in lieu of such Deferred Pension then the Management Trustees may at their discretion after considering the reasons for such request grant a repayment of the Former Member's Contributions plus compound interest thereon at the rate of two and a half per centum per annum up to the date of repayment and in such cases where repayment of Contributions is made the deferred pension and all rights attaching thereto shall be cancelled."

6. Rule 13 (g). Insert the words "or British South American Airways Corporation" after the word "Limited" in the last line of this paragraph.

7. Rule 14 (*a*). Add the following words after sub-paragraph (ii):—

"Provided always that any period of service with an Employer in respect of which a Member is in receipt of a pension or in respect of which superannuation arrangements have been made by an Employer shall not count as service for the purposes of this Rule."

8. Rule 14 (*b*). Insert the words "British South American Airways Corporation" after the word "with" in the first line of this paragraph.

9. Rule 16 (*a*). Insert the words "except as provided by paragraph (*c*) of this Rule" after the words "age or" in the third line of the second paragraph.

10. Rule 16 (*b*). Add the following words:—

"Election to receive a higher rate of pension under this Rule shall not apply to pensions payable under Rules 13 or 14."