PENSION SCHEME

The Gas (Pension Rights) (Amendment) Regulations, 1951

1951 No. 383

Made - - - -	*6th March*, 1951
Laid before Parliament	*8th March*, 1951
Coming into Operation	*19th March*, 1951

The Minister of Fuel and Power, in exercise of the powers conferred upon him by section fifty-eight of the Gas Act, 1948(**a**), and of all other powers him enabling, hereby makes the following regulations:—

1. The Gas (Pension Rights) Regulations, 1950(**b**), shall have effect subject to the modifications specified in these regulations.

2. At the end of paragraph (4) of regulation one (which restricts new membership of transferred schemes) there shall be added the words:—

"so however that, in the case of a person who was in employment as mentioned in paragraph (1) before the vesting date, and who was entitled to become subject to a transferred scheme upon fulfilment of the condition of becoming a co-partner, that condition shall be deemed to have been fulfilled if he has become qualified to become a co-partner, in so far as age and length of service are concerned, whether or not he has become one".

3. At the end of the schedule (which specifies modifications to which transferred schemes are to be subject) there shall be inserted the following paragraph:—

"4.—(1) Any transferred scheme connected with a scheme to which section fifty-nine of the Act applies (such last mentioned scheme being in this paragraph, in relation to the transferred scheme concerned, referred to as "the co-partnership scheme") shall continue in operation subject to the further modifications specified in this paragraph.

(2) Any provision whereby, in order to continue to be subject to the transferred scheme, a person is required to continue to be a co-partner shall cease to have effect, and references in the transferred scheme shall be construed—

(*a*) in the case of any reference to a co-partner, as including persons who have become subject to the transferred scheme by virtue of a condition being deemed to have been fulfilled in pursuance of paragraph (4) of regulation one; or

(*b*) in the case of any reference to a period during which any person is a co-partner, as including any period in gas board employment during which that person is subject to the transferred scheme.

(3) Subject to the provisions of the following sub-paragraph, any duty or power conferred for the purposes of the transferred scheme (whether or not subject to any conditions or limitations) upon any committee constituted under the co-partnership scheme shall be transferred to, and subject to the like conditions or limitations (if any) be exercised by, a committee consisting of a chairman, appointed by the Area Board maintaining the

(**a**) 11 & 12 Geo. 6. c. 67. (**b**) S.I. 1950 (No. 1206) I, p. 814.

transferred scheme, and not less than nine other members, that committee being annually—

(*a*) as to two thirds (as nearly as may be), elected by the members of that scheme at a general meeting duly convened for the purpose or, if the board aforesaid so decide, by ballot; and

(*b*) as to the remainder (including the chairman), nominated by the said board:

Provided that this sub-paragraph shall not apply where provision is made in the transferred scheme for any body or person to be substituted for the committee constituted under the co-partnership scheme, in the event of that last mentioned scheme ceasing to have effect: and

Provided also that nothing in this sub-paragraph shall prejudice any power to vary the duties or powers of the committee constituted by this sub-paragraph, or to constitute a committee under the transferred scheme to exercise any of the said duties or powers, by amendment of the rules of the transferred scheme.

(4) In any case where the only duty or power conferred for the purposes of the transferred scheme upon a committee constituted under the co-partnership scheme is a duty or power to appoint trustees or auditors, it shall be performed or exercised at a general meeting of the members of the transferred scheme duly convened."

4.—(1) These regulations shall come into operation on the nineteenth day of March, nineteen hundred and fifty-one, and may be cited as the Gas (Pension Rights) (Amendment) Regulations, 1951.

Dated this sixth day of March, nineteen hundred and fifty-one.

Philip Noel-Baker,
Minister of Fuel and Power.

EXPLANATORY NOTE

(This note is not part of these regulations, but is intended to indicate their general purport.)

These regulations amend the Gas (Pension Rights) Regulations, 1950, which dealt with the pension schemes in which employees of gas undertakers to whom the Gas Act, 1948, applied were members, and made such modifications as were necessary to enable them to continue in operation after the various undertakings were transferred to the gas boards constituted by the Act. Reg. 1 of the principal regulations, and the schedule to them, relate to one category of these schemes, viz., those confined immediately before the vesting date to employees of certain undertakers specified in that regulation. This category is defined in that regulation as "transferred schemes".

These regulations now make additional modifications, where a transferred scheme is connected with a co-partnership scheme. Provisions making membership of the one conditional on being a member of the other, requiring service reckonable for the pension scheme to be the period of membership of the co-partnership scheme, or conferring functions with respect to the pension scheme on a committee constituted under the co-partnership scheme, are amended so as to make the two schemes independent.