CHAPTER xxxi.

An Act to amend the provisions of the Lancashire and Yorkshire Railway (New Works and Additional Powers) Act 1871 with respect to Superannuation Fund. A.D. 1906.

[22nd June 1906.]

WHEREAS by the Lancashire and Yorkshire Railway (New Works and Additional Powers) Act 1871 (section 33) it was provided that a fund might be established for the payment of superannuation and other retiring allowances to the officers and servants of the Lancashire and Yorkshire Railway Company (in this Act called "the Company") and provisions were made for constituting a committee for the purpose of preparing a scheme under the said Act: 34 & 35 Vict. c. clxx.

And whereas by the said section it was provided that such scheme might contain provisions for fixing the contributions to be made thereto by the officers and servants of the Company not exceeding in the case of officers under forty years of age at the time of becoming contributors to the fund the rate of two and a half per centum on their respective salaries:

And whereas by the said Act (section 34) an obligation was imposed upon the Company to contribute at the end of each and every half year after the establishment of the superannuation fund a sum equal in amount to the sum which during the same half year had been contributed thereto by the officers and servants of the Company:

And whereas a scheme for superannuation and rules and regulations in relation thereto were duly prepared in conformity with the provisions of the said Act dated the nineteenth day of August one thousand eight hundred and seventy-three and the

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said scheme rules and regulations with certain alterations made therein and duly adopted are now in operation:

And whereas the said scheme provides that contributing members shall contribute a sum equal to two and a half per centum on their actual salaries subject as in the scheme provided and the benefits to which such contributing members are entitled are therein specified and defined:

And whereas the Company are willing to take upon themselves the responsibility of guaranteeing any deficiency in the revenue of the superannuation fund on being relieved from the obligation imposed by the said Act of 1871 to make half-yearly contributions to the said fund and it is expedient that provision should be made accordingly and that an altered scheme with revised rules and regulations should be substituted for the existing scheme:

And whereas a copy of the scheme with rules and regulations to be substituted for the existing scheme is set out in the Schedule to this Act:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Lancashire and Yorkshire Railway (Superannuation Fund) Act 1906.

Interpretation.

2. In this Act—

The expression "the existing superannuation fund" means the moneys now held by the Company on behalf of the fund amounting according to their account for the half year ending the thirty-first day of December one thousand nine hundred and five to four hundred and forty-three thousand one hundred and thirty-four pounds four shillings and one penny:

"The existing scheme" means the scheme made under the Act of 1871 as subsequently altered and modified and as in force at the passing of this Act:

"The new scheme" means the new or revised scheme of which a copy is set out in the Schedule to this Act.

Commencement of Act.

3. This Act shall come into operation on the first day of January one thousand nine hundred and seven (which date is in this Act referred to as "the commencement of this Act").

Transfer of existing fund to Company on loan.

4. As from the commencement of this Act—

(i) The existing superannuation fund shall be transferred to a separate account to be called "the superannuation fund account" and be held by the Company:

(ii) The amount representing the existing superannuation fund shall be deemed to be a loan to the Company:

(iii) The liability of the Company to make half-yearly payments to the existing superannuation fund under the existing scheme shall cease.

Fund guaranteed by Company.

5. The Company shall in each half year guarantee and make good out of their gross revenue as part of the working expenses of their undertaking the amount required in addition to the contributions of the contributing members to meet the liabilities of the fund for such half year.

New scheme in substitution for existing scheme.

6. Subject to the provisions of this Act the new scheme shall be deemed to be in lieu of and in substitution for the existing scheme and the existing scheme shall after the commencement of this Act cease to have any force or effect.

Benefits of new scheme extended to members now in receipt of pension.

7. Any contributing member who shall have become entitled at the commencement of this Act to a superannuation allowance or pension under the existing scheme shall be entitled to an allowance or pension on a scale provided by the new scheme and such payments shall be guaranteed by the Company in the same manner and subject to the same conditions as they are by this Act required to guarantee the superannuation fund.

As to persons employed on joint undertakings.

8. Any person or any class or classes of persons employed on or in connection with any railway or undertaking owned or worked by the Company jointly with any other company or companies whose employment is that of a salaried officer as defined in the new scheme shall for the purposes of this Act and with the consent of such last-mentioned company or companies be deemed to be in the service of the Company.

Fund for meeting future liabilities for contributions.

9. The directors of the Company may if they think fit appropriate and set aside in any half year out of their revenue as a working expense such a sum as in the discretion of the directors

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shall be required to provide a fund to meet the future liability of the Company for contributions to secure the benefits of the fund in accordance with this Act.

Saving of rights of Company to grant other pensions.

10. Nothing in this Act contained or provided shall affect or take away any right or power of the Company to grant out of their own funds such pension or other allowances to any of their officers or servants during old age or sickness as the directors may from time to time think fit and whether such officers or servants are contributing members or not.

Costs of Act.

11. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

New Scheme.

The following is the new or revised scheme substituted under the provisions of this Act for the existing scheme:—

Definitions.

In this scheme the following words and expressions shall have the meanings hereby assigned to them respectively so far as such meanings are not excluded by the context or by the nature of the subject-matter (that is to say):—

"The Company" means the Lancashire and Yorkshire Railway Company as such Company is now or may be hereafter incorporated:

"The directors" means the board of directors for the time being of the Company:

"The Act" means the Lancashire and Yorkshire Railway (Superannuation Fund) Act 1906:

"The fund" means the fund for the time being provided under this scheme:

"The existing fund" means the fund provided under the provisions of the Lancashire and Yorkshire Railway (New Works and Additional Powers) Act 1871:

"Salaried officer" means officers clerks station-masters inspectors shed or workshop foremen and such other officers and servants as the committee may from time to time think proper to admit with the assent of the directors:

"The service" means the service of the Company:

"Contributing members" means the salaried officers for the time being contributing to the fund:

"The committee" means the committee for the time being acting in the management and direction of the fund according to the provisions of this scheme:

"The directors' committee-men" means the members of the Committee for the time being appointed by the directors:

"The contributors' committee-men" means the members of the committee for the time being appointed by the contributing members:

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"The auditors" } mean or means respectively such respective officers for the time being appointed as provided in this scheme:
"The secretary" }

"The office" means the office of the Company at Manchester:

"Ordinary meeting" means an ordinary general meeting of the contributing members duly called and constituted and any adjourned holding thereof:

"Extraordinary meeting" means an extraordinary general meeting of the contributing members duly called and constituted and any adjourned holding thereof:

"General meeting" means an ordinary meeting or an extraordinary meeting and any adjourned holding thereof respectively.

Admission of Members.

Contributing members of existing fund.

1. Every salaried officer who is a contributing member of the existing fund shall contribute to the fund on its establishment on a similar basis to his contributions to the existing fund.

New officers under forty and rate of contributions.

2. Every salaried officer hereafter admitted into the service whose age shall not exceed forty years at the time of his admission shall except as hereinafter provided upon and from his admission to the service and so long as he shall continue in the service become a contributing member and shall contribute to the fund as under:—

Age at Date of becoming a Contributing Member.	Percentage of Salary.
Not exceeding 25 years of age - - - -	2½ per cent.
Exceeding 25 and not exceeding 30 years of age - -	3 „
Exceeding 30 and not exceeding 40 years of age - -	4 „

No person shall be admitted as a contributing member until he is in receipt of 26*l.* per annum and upwards salary but upon receipt of such salary he shall become a contributing member.

Old officers under forty.

3. Every salaried officer in the service and for any reason not being a contributing member may be admitted as a contributing member on the ordinary terms without being entitled to make any back contributions provided he is not over forty years of age at the time of declaring his option to join the fund.

Special arrangements may be made for persons over forty.

4. The committee shall subject to the approval of the directors have power from time to time if they think fit to make special and exceptional arrangements with any future salaried officer who shall be upwards of forty years of age at the time of entering the service

as to the amount of contribution or benefit to be derived or both and to admit him to be a contributing member on the footing of such arrangement.

Company may deduct contributions from the pay of members.

5. The Company shall be at liberty to deduct the contribution pro rata as the salaries become due or are paid Every deduction so made by the Company shall operate as a payment made on the day when the salary became due by the contributing member from whose salary the deduction shall have been made.

Member's salary reduced.

6. If the salary of any contributing member be at any time reduced such member shall if he so desire be entitled to continue his contributions to the fund based on the rate of salary of which he was in receipt before such reduction took place and shall be entitled to the benefits from the fund upon a like basis.

In cases of ill-health.

7. Any contributing member the payment of whose salary shall be stopped in consequence of ill-health shall be entitled so long as his name remains upon the books of the Company but not in any case for a longer period than twelve months to continue his membership by payment of the same amount of monthly contributions as was paid by him at the time of his salary being discontinued.

Superannuation of Members.

Members attaining the age of sixty years.

8. Any contributing member who has been a member of the fund or the existing fund or partly of one and partly of the other for ten years or upwards shall on attaining the age of sixty years or at any time afterwards on his retiring from the service cease his contributions and shall thereupon for the rest of his life be entitled to receive from the fund an allowance in accordance with the scale hereinafter provided applicable to his case.

Members entitled to retirement after ten years' contributions in case of infirmity of body or mind.

9. Any contributing member who has been a member of the fund or the existing fund or partly of one and partly of the other for ten years or upwards and shall become incapacitated from performing his duties by reason of infirmity of body or mind (which infirmity is not the result of his own misconduct) shall be entitled to be superannuated at any age provided he produce such medical certificates from the medical officer of the Company or other qualified medical practitioner approved by the committee and gives such other satisfactory proof as the committee shall require of his having so become incapacitated The superannuation allowance to be granted shall be in accordance with the scale hereinafter provided applicable to his case but if while under sixty he be earning or should recover so far as to be able to earn an income partially or wholly adequate to maintain his former position in life the committee shall have power to reduce or revoke his allowance accordingly while he is under sixty and they shall

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accordingly decide from time to time what (if any) allowance he shall receive while under sixty.

Members required to leave service.

10. Any contributing member who has been a member of the fund or the existing fund or partly of one and partly of the other for ten years and upwards and is between fifty and sixty years of age and has been in the service for thirty years and upwards and who shall be required to leave the service in consequence of reduction of staff or changes in the organisation of the staff shall thereupon for the rest of his life be entitled to superannuation in accordance with the scale hereinafter provided applicable to his case.

Date at which superannuation allowances are to be payable.

11. All superannuation allowances shall be payable at the office monthly on the first day of each month an apportioned payment being made for any period less than a month elapsing between the commencement of superannuation and the day of payment next succeeding or between the last day on which the allowance shall be payable and the death of the recipient or cesser of the allowance as the case may be.

Scale of Allowances on Retirement.

Scale of retirement for members on the books on 1st January 1907.

12. The scale of allowances on retirement to all contributing members on the books on the 1st January 1907 and to all members receiving superannuation allowances from the fund on that date shall be as follows:—

Years of Contribution completed.	Superannuation in Percentage of Average Salary.	Years of Contribution completed.	Superannuation in Percentage of Average Salary.
Years.	Per cent.	Years.	Per cent.
10	31¼	28	65
11	32½	29	67½
12	33¾	30	70
13	35	31	72½
14	36¼	32	75
15	37½	33	77½
16	40	34	80
17	42½	35	82½
18	43¾	36	85
19	45	37	87½
20	46¼	38	90
21	47½	39	92½
22	50	40	95
23	52½	41	97½
24	55	42	100
25	57½	43	102½
26	60	44	105
27	62½	45 or upwards	108

Minimum allowance to be 39*l.* per annum.

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13. The scale of allowances on retirement to all contributing members not on the books on the 1st January 1907 shall be as follows:— Scale of retirement for members joining fund after 1st January 1907.

Years of Contribution completed.	Superannuation in Percentage of Average Salary.	Years of Contribution completed.	Superannuation in Percentage of Average Salary.
Years.	Per cent.	Years.	Per cent.
10	30	28	65
11	31½	29	67½
12	33	30	70
13	34½	31	72½
14	36	32	75
15	37½	33	77½
16	39	34	80
17	40½	35	82½
18	42	36	85
19	43½	37	87½
20	45	38	90
21	47½	39	92½
22	50	40	95
23	52½	41	97½
24	55	42	100
25	57½	43	102½
26	60	44	105
27	62½	45 or upwards	108

Minimum allowance to be 39*l.* per annum.

Commutation.

14. Any claim for a superannuation allowance to which a member may become entitled may at the request of such member be commuted by the committee at their discretion and with the sanction of the directors by a single payment and thereupon such member shall cease to have any claim on the fund.

Death of superannuated member.

15. In the event of the death of a member after being superannuated and before the total amount received by way of superannuation has reached the whole of such member's contributions plus two and a half per cent. of his total salary during membership there shall be further paid out of the fund to his legal personal representative a sum equal to the difference between the two amounts but without interest.

Payments to Members leaving the Service and to Representatives of Deceased Members.

Members leaving the service.

16. Any contributing member leaving the service of his own accord honourably shall receive back his contributions without interest thereon and shall have no further claim on the fund.

Reduction of staff and return of contributions &c.

17. Except as provided in Rule 10 any contributing member required by the Company to leave the service from reduction of staff or who may be compelled to retire in consequence of ill-health before

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being entitled to superannuation or who shall be required by the Company to leave the service from any cause other than dishonesty fraud or misconduct shall receive back his contributions with simple interest at four per centum per annum and shall have no further claim on the fund but any contributing member being dismissed from the service for any misconduct other than dishonesty or fraud shall receive back his contributions without interest thereon and shall have no further claim on the fund.

Forfeiture of contributions on dismissal.

18. Any contributing member dismissed from the service for dishonesty or fraud (such dishonesty or fraud being an offence affecting the company),or retiring to avoid such dismissal shall forfeit all his contributions and benefits and shall have no further claim on the fund.

Death of member.

19. In the event of the death of a contributing member before deriving any benefit from the fund there shall be paid out of the fund to his legal personal representative a sum equal to the amount of his contributions plus two and a half per centum of his total salary during membership but without interest.

If no legal personal representative.

20. If there should be no legal personal representative of such deceased contributing member the committee may at their own discretion pay any sum payable in respect of his claim on the fund to his widow and children or either or any of such persons without requiring a legally constituted representative and the fund shall not be liable to any further payment to the estate of such deceased contributing member.

Management of the Fund.

Committee of management.

21. The future management and direction of the fund shall be vested in a committee constituted as hereinafter mentioned.

There shall be from time to time not less than eight committee-men who shall be elected as follows:—

One director and three of the principal officers of the Company by the directors;

Four contributing members by the contributing members as hereinafter provided.

One of the directors' committee-men to be chairman of the committee or in his absence the committee to appoint a chairman from the members present.

Auditors.

22. Two auditors shall be appointed one by the directors and the other who must be a contributing member by the contributing members as hereinafter provided.

Election of contributors committee-men and auditor.

23. The election by the contributing members of committee-men to serve upon the committee and of a contributors' auditor shall take place in the month of October in the year one thousand nine hundred and six and in the same month in every succeeding third year and the said

elections shall be conducted in the following manner (namely) Within the first ten days of October in the year one thousand nine hundred and six and in every third year as aforesaid the names of the persons proposed for election as committee-men and auditor together with the consent in writing of such persons or person to act in such respective capacities shall be sent to the secretary signed by six or more contributing members and the secretary shall within the week commencing with the eleventh day of the said month send to every contributing member a printed form of voting paper containing the names of the persons so proposed together with the names of the proposers of each respective candidate The contributing member may vote for such of the candidates on such voting paper not exceeding four as he pleases and also for one auditor and shall do so by striking his pen through the names of the candidates for whom he does not desire to vote and signing his name on the voting paper and returning it in an envelope to the secretary within seven days of the date of the issue of the voting paper And the secretary shall in the presence of two scrutineers appointed by the committee count the votes given for each of the several candidates make out a list thereof and shall within seven days after the expiration of the last-mentioned seven days sign such list and declare the four persons elected who shall have received the largest number of votes as members of the committee and in like manner the auditor so elected and shall notify the same to the several persons elected And the said list of votes so taken and signed by the secretary together with the voting papers shall be handed by him to the chairman of the committee at the first meeting of the committee thereafter and in the event of any candidate or candidates having an equal number of votes the chairman for the time being of the committee shall have an additional or casting vote.

Decision of committee.

24. The decision of the majority of the committee shall be deemed to be the decision of the committee as regards any claim on the fund and as regards any matter by this scheme entrusted to the committee In deciding any question of fact the committee may act upon such evidence as they shall deem adequate whether amounting to legal proof or not The chairman of the committee shall in cases of equal division have an additional or casting vote The procedure of the committee shall in all other respects be regulated by the committee.

Resignation of committee-man.

25. Any member of the committee may at any time resign his office on giving notice in writing to the secretary by post of his intention to resign or leaving such notice at the office.

Vacancies.

26. Any occasional vacancy in the office of contributors' committee-men may be filled up by the continuing contributors' committee-men until the proper day for holding the next election.

Secretary.

27. The committee shall appoint one of the staff of the Company to be secretary with the consent of the directors as to the individual selected to hold office during the pleasure of the committee.

Staff of secretary.

28. The business of the fund shall be conducted by means of the staff for the time being of the Company in such manner as shall from time to time be agreed between the directors and the committee.

Remuneration of secretary &c.

29. The remuneration for all services performed in administering the scheme by the secretary and others shall be fixed by the committee with the assent of the directors.

Duties of secretary.

30.—(1) The secretary shall keep the records books and papers relating to the fund and business thereof.

(2) He shall receive and report to the committee all applications for allowances out of the fund resignations and other matters to be brought under the consideration of the committee.

(3) He shall summon all committee and general meetings as ordered by the committee.

(4) He shall record the minutes of the proceedings of all general meetings and of all meetings of the committee and the attendance of the members of the committee.

(5) He shall perform such other duties with reference to carrying out this scheme as the committee shall from time to time appoint.

(6) A temporary substitute for the secretary may at any time be appointed by the committee at their pleasure.

Accounts and balance sheet.

31.—(1) The committee shall cause full and true accounts to be kept of the fund and of all sums of money expended under this scheme by the committee and all persons employed by or under them and of the matters and things for which such sums of money shall have been disbursed and paid and shall cause full and true records to be kept of the times of commencement of membership and of other chronological and other facts necessary or proper to be recorded and shall also cause a register to be kept of the contributing members and of the members receiving superannuation allowance from the fund.

(2) The books of the committee shall be balanced thirty days at least before the day appointed for the annual meeting.

(3) The books being so balanced an exact balance sheet shall be made up which shall exhibit a true statement of the fund.

(4) The committee shall deliver to the auditors the accounts and balance sheet for the year twenty-eight days at least before the day appointed for the annual meeting with reference to which they are to be balanced and made out respectively together with all means of vouching and verifying the same and the committee and secretary shall give to the auditors every assistance in their investigation.

(5) The committee shall cause to be produced to the contributing members assembled at each annual meeting the balance sheet signed by the auditors and secretary.

Meetings.

32.—(1) The annual general meeting for the passing of the accounts and other business shall be holden on such date and at such time and place as the committee shall appoint.

(2) Extraordinary meetings may be called by the committee and shall be holden as they may appoint.

The circular calling any extraordinary meeting shall state the business to be transacted thereat and no business not so stated shall be transacted thereat.

(3) The committee calling any general meeting shall give not less than seven days' notice by circular addressed to each contributing member of the day place and hour appointed for such meeting and when any adjournment is made for more than seven days shall give at least four days' similar notice of the adjourned meeting.

(4) The chairman of the committee shall be the chairman of all general meetings but in his absence a chairman for the occasion shall be chosen by the members present.

(5) The directors' committee-men shall be entitled to be present and speak and vote and otherwise act at general meetings as if they were contributing members.

Voting.

33.—(1) Every contributing member present at a general meeting either in person or by proxy shall have one vote.

(2) A contributing member may from time to time appoint any other contributing member as his proxy in voting at any general meeting.

(3) Every instrument of proxy shall be in writing in such form as hereinafter provided and be signed by the contributing member appointing the proxy and shall be left with the secretary or at the office addressed to him at least forty-eight hours before the time for holding the general meeting whereat it is to be acted on.

(4) The following shall be the form of the instrument of proxy :—

" I *A.B.* a contributing member of the Lancashire and
" Yorkshire Railway Superannuation Fund hereby appoint *C.D.*
" another contributing member of the same fund to act as my proxy at
" the general meeting to be holden on the day of
" and at every adjournment thereof.

" As witness my hand this | 1d. Stamp. |

" Signed *A.B.*"

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(5) Every such proxy shall only be available for the meeting to which it applies or any adjournment thereof.

(6) The chairman at a general meeting shall in every case of an equality of votes have an additional or casting vote.

Adjournment.

34. Any general meeting may adjourn at pleasure to any later hour in the same day or to any later day respectively fixed by a majority of the members present thereat.

Minutes.

35. Minutes of the proceedings of any general meeting shall thereat or with all convenient speed thereafter be recorded by the secretary in a book kept for that purpose and be signed by the person in the chair at such meeting or in case of his default or incapacity by any three or more of the contributing members present thereat and such minutes when so recorded and signed shall be primâ facie evidence of the validity of the resolution or other matter so recorded.

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