LEGAL AID AND ADVICE, ENGLAND

The Legal Aid and Advice (Staff Pensions) Regulations, 1951

1951 No. 251

Made - - - -	14*th February*, 1951
Laid before Parliament	19*th February*, 1951
Coming into Operation	23*rd February*, 1951

In pursuance of the powers conferred on me by section eleven of the Legal Aid and Advice Act, 1949(**a**), I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, with the concurrence of the Treasury, hereby make the following regulations :—

Establishment of a Pensions Scheme with a Pensions Fund

1.—(1) It shall be the responsibility of the Law Society to establish a pensions scheme with a pensions fund for providing pensions for or in respect of persons employed by the Law Society whole-time for the purpose of their functions under Part I of the Legal Aid and Advice Act, 1949.

(2) The persons so employed are in these regulations referred to as "employees".

(3) The Law Society shall appoint persons to administer the scheme and may, if they think fit, appoint trustees to hold in trust the assets of the pensions fund and to be the persons to administer the scheme.

(4) The costs of providing pensions under the scheme shall be met by periodical contributions made by employees entitled to the benefits of the scheme and by the Law Society.

Payments into and out of Pensions Fund

2.—(1) The contributions towards the cost of providing pensions under the scheme shall be paid into the pensions fund.

(2) The monies from time to time standing to the credit of the fund shall be employed, as directed by or under the scheme, in buying from an insurance company deferred or immediate annuities or sinking fund policies :

Provided that such monies may, if the scheme so provides, be invested in any other manner approved by the Lord Chancellor and the Treasury.

(3) The scheme may provide for the payment out of the pensions fund of the expenses of administering the scheme and for the payment into the fund by the Law Society of corresponding amounts.

Employees' Contributions and Benefits

3.—(1) Subject to the provisions of this regulation, the terms of the scheme shall comply with the Schedule to these regulations.

(2) The scheme may provide for conferring on the Law Society or on the persons appointed by them to administer the scheme power to vary the rates of employees' contributions or the benefits conferred by the scheme :

Provided that if and so far as the scheme confers a power to vary the terms of the scheme so that they no longer comply with the Schedule to these regulations, the power shall be exercisable only with the consent of the Lord Chancellor and the Treasury.

(**a**) 12, 13 & 14 Geo. 6. c. 51.

Expenses of Law Society

4. Any expenses of the Law Society under these regulations shall be paid out of the legal aid fund established under section nine of the Legal Aid and Advice Act, 1949.

Short title, interpretation and commencement

5.—(1) These regulations may be cited as the Legal Aid and Advice (Staff Pensions) Regulations, 1951.

(2) The Interpretation Act, 1889, shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) These regulations shall come into operation on the 23rd day of February, nineteen hundred and fifty-one.

Dated this 12th day of February, 1951.

Jowitt, C.

We concur.

H. W. Bowden,
W. A. Wilkins, } Two of the Lords Commissioners of His Majesty's Treasury.

Dated the 14th February, 1951.

SCHEDULE

Rates of Employees' Contributions and Benefits

Preliminary

1.—(1) The scheme shall fix a normal retirement date for employees which may be different for men and women.

(2) The scheme may provide for leaving out of account for the purposes of the scheme any part of the salary or service of an employee and the salary and service which are to be taken into account for the purposes of the scheme are in this Schedule respectively referred to as "pensionable salary" and "pensionable service".

(3) The scheme may provide that for the purposes of the scheme changes in salary shall take effect only from a fixed annual date next following the date of change of salary and may, for purposes of administrative convenience, make any other minor adjustment of the terms of the scheme notwithstanding that apart from this sub-paragraph the result of the adjustment would be that the scheme did not comply with this Schedule.

Employees' Contributions

2. The scheme shall require that an employee while in pensionable service shall contribute to the scheme five per cent. of his pensionable salary.

Benefits

3.—(1) An employee retiring at the normal retirement date shall be entitled under the scheme to a pension computed by reference to his pensionable salary at a time fixed by the scheme which shall be within the period of six years ending on the normal retirement date and may be different for men and women.

(2) The pension shall be at the rate of one-sixtieth of the said salary for each complete year of pensionable service with a maximum of forty-sixtieths.

(3) The pension shall be payable during the rest of the life of the employee but if he dies within the period of five years from the normal retirement date, the pension shall continue to be paid to his personal representatives until the end of the said period of five years.

(4) The pension shall not as to more than one fourth part thereof be assignable or commutable.

Death during service

4. The scheme shall provide that if an employee dies before the normal retirement date while he is an employee an amount equal to the whole of the contributions paid by him together with the whole of the contributions made by the Law Society in respect of him shall be paid to his personal representatives.

Options

5.—(1) The scheme may provide for conferring on an employee any options to surrender the whole or any part of the benefits originally conferred on him by the scheme in return for any other benefits for himself or any other person so long as the requirements mentioned in sub-paragraph (2) of this paragraph are fulfilled.

(2) The said requirements are that, as a whole, the benefits conferred in respect of the employee's service by the scheme should consist as to at least three-fourth parts (computed by actuarial value) of a pension for life or pensions for life which can be neither assigned nor commuted.

Special Cases

6. The scheme may provide that in the case of any employee having special claims, and, in particular, claims based on age at entry into the scheme, the Law Society or the persons appointed to administer the scheme may, with the consent of the Lord Chancellor and the Treasury, arrange for terms more favourable than those set out in the foregoing provisions of this Schedule, the cost of which arrangements shall be met by contributions to the pensions fund by the Law Society.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Regulations make provision for the establishment by the Law Society of a contributory pensions scheme for providing pensions for persons employed by them in the administration of the Legal Aid Scheme.

LEGAL AID AND ADVICE, SCOTLAND

The Legal Aid (Scotland) (General) (No. 2) Regulations, 1951

1951 No. 503 (S. 18)

Made - - - -	21*st March*, 1951
Laid before Parliament	22*nd March*, 1951
Coming into Operation	24*th March*, 1951

In exercise of the power conferred on me by subsection (4) of section three, as read with subsection (1) of section seventeen, of the Legal Aid (Scotland) Act, 1949(**a**), I hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid (Scotland) (General) (No. 2) Regulations, 1951, and the Legal Aid (Scotland) Regulations, 1950(**b**), and these Regulations may be cited together as the Legal Aid (Scotland) Regulations, 1950 and 1951.

(**a**) 12, 13 & 14 Geo. 6. c. 63. (**b**) S.I. 1950 (Nos. 1513 and 1514) I, pp. 1236 and 1227