1959 No. 1902

The National Insurance (Modification of Pension Schemes) Regulations, 1959

Made - - - -	12*th November*, 1959
Laid before Parliament	16*th November*, 1959
Coming into Operation	17*th November*, 1959

The Chief Registrar of Friendly Societies, in exercise of the powers conferred upon him by sub-section (4) of section 69 of the National Insurance Act, 1946(a), and section 15 of the National Insurance Act, 1959(b), and all other powers in that behalf enabling him hereby makes the following Regulations:—

1. In these Regulations—

"the Act" means the National Insurance Act, 1959;

"scheme" means a scheme for the provision of pensions or other benefits in relation to which the Treasury have not determined under sub-section (4) of section 69 of the National Insurance Act, 1946, that there is an appropriate Minister of the Crown or Government Department;

"persons interested in a scheme" include the trustees and managers of the scheme, all persons contributing or liable to contribute thereto or beneficially interested therein, and any insurance company with which the benefits of the scheme are wholly or partly insured;

"insurance company" has the same meaning as in the Insurance Companies Act, 1958(c);

"Chief Registrar" means the Chief Registrar of Friendly Societies.

2. The Chief Registrar is hereby designated for the purpose of sub-section (2) of section 15 of the Act as the authority to approve the manner in which a scheme may be modified.

3. Application by or on behalf of persons interested in a scheme may be made to the Chief Registrar for a direction under Regulation 7 of these Regulations for the purpose of modifying the scheme in connection with the passing of the Act, or with the subsequent operation of any provision of the Act.

4.—(1) Such an application shall be made in writing in duplicate and shall state:—

(*a*) the persons by whom or on whose behalf it is made;

(*b*) the proposed modifications of the scheme and the reasons therefor;

(*c*) if the instrument regulating the scheme provides a method whereby it may be modified the reasons why the proposed modifications cannot without serious difficulty be made by that method;

(*d*) whether and to what extent other persons interested in the scheme have had an opportunity to vote or been otherwise consulted on the proposed modifications, and the results of any such voting or consultation;

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47. (c) 6 & 7 Eliz. 2. c. 72.

(2) The application shall be accompanied, unless the Chief Registrar otherwise directs, by two copies of—

(*a*) the instrument regulating the scheme;

(*b*) the last statement of accounts, balance sheet, valuation report and other periodical report (if any) relating to the scheme.

5. Unless the application is made by or on behalf of the trustees or managers of the scheme, the applicants shall forthwith send a copy of the application either to the trustees or to the managers of the scheme.

6. Before deciding whether to issue a direction the Chief Registrar may invite any persons interested in the scheme to make representations with regard to the application, and may require the applicants to give notice of the application, in a form and manner to be approved by him, to other persons interested in the scheme or any of them for the purpose of inviting them to make representations to him in such manner and within such time as the notice may specify, or otherwise for the purpose of ascertaining their views on the application.

7. After considering any representations so made or views so ascertained the Chief Registrar may issue a direction—

(1) modifying the scheme; or

(2) authorising the trustees or managers of the scheme to modify it within such limits and subject to such conditions as the direction may specify;

and any modifications so made shall have effect notwithstanding anything to the contrary which may at the time when the modification is made be contained in the instrument regulating the scheme.

8. These Regulations may be cited as the National Insurance (Modification of Pension Schemes) Regulations, 1959, and shall come into operation on the seventeenth day of November, nineteen hundred and fifty-nine.

Dated this 12th day of November, 1959.

Cecil Crabbe,
Chief Registrar of Friendly Societies.

EXPLANATORY NOTE

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

These Regulations designate the Chief Registrar of Friendly Societies as the authority to approve the manner in which certain pension schemes may be modified in connection with the passing of the National Insurance Act, 1959. They also lay down a procedure under which, on application by persons interested in the scheme, he may himself make the required modification or may authorise the trustees or managers of the scheme to make it. The schemes in question are all those in relation to which the Treasury have not determined that there is an appropriate Minister or Government Department.