CHAPTER cxxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the North British Railway (Superannuation Fund &c.). A.D. 1911.

[18th August 1911.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore 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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the North British Railway (Superannuation Fund &c.) Order Confirmation Act 1911. Short title.

[*Price* 1*s.* 6*d.*]

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SCHEDULE.

NORTH BRITISH RAILWAY (SUPERANNUATION FUND &c.)

Provisional Order to provide for a Superannuation Scheme for the salaried officers of the North British Railway Company in substitution for the North British Railway Superannuation Fund established under the provisions of the North British Railway Act 1875.

WHEREAS under and in pursuance of the provisions contained in section 38 of the North British Railway Act 1875 a scheme (comprised in general rules and regulations of the North British Railway Superannuation Fund Association) was prepared for the establishment of a fund for the payment of superannuation and other allowances to the salaried officers and servants of the North British Railway Company (in this Order called "the Company") being contributors to such fund which is commonly known as "the North British Railway superannuation fund" and is in this Order and in the scheme thereby confirmed referred to as "the association fund":

And whereas the said Act of 1875 has been amended by subsequent Acts and the said general rules and regulations as originally prepared in pursuance of the provisions of the said Act of 1875 have been from time to time altered and amended:

And whereas the general rules and regulations now in force provide (inter alia) for the annual contribution to the association fund by each member thereof of a sum equal to two and a half per centum or in some cases a larger percentage upon his actual salary for the time being and the said Act of 1875 by section 39 thereof provides for the contribution by the Company every half year out of the revenues of the Company of a sum equal in amount to the sum which during the same half year has been contributed to the said fund by the members thereof and such further sum as the Company and the committee appointed under the provisions of section 38 of the said Act from time to time agree upon not exceeding one half of such specified contributions and the said rules and regulations also prescribe scales of superannuation and other allowances to be paid to members out of the said fund:

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And whereas by section 40 of the North British Railway Act 1885 it was provided that all moneys belonging to the association fund and deposited with the Company should form a charge on the Company's general undertaking and be treated as a debt:

And whereas by section 47 of the North British Railway Act 1887 it was provided that the officers and servants of the Dundee and Arbroath Joint Line Committee appointed under the North British Railway (Dundee and Arbroath) Joint Line Act 1879 might become members of and might subject to the consent of the Company and the Caledonian Railway Company under their respective common seals participate in the benefits of the association fund and that the said Joint Line Committee might subject to the like consent contribute to the said fund:

And whereas by section 50 of the North British Railway (General Powers) Act 1897 it was provided that all officers and servants in the service or employment of any joint committee in which the Company were represented constituted by Act of Parliament or otherwise for owning managing maintaining and working or for managing maintaining and working any undertaking in which the Company had or might thereafter have an interest or in the joint employment of the Company and any other company or companies should be entitled subject to their consent and to the approval of such joint committee or other company or companies as aforesaid and of the committee appointed under the said Act of 1875 and to the extent which might be agreed between the said committees or between the companies and the said committee appointed under the said Act of 1875 as the case may be to contribute to and participate in the benefits of the association fund:

And whereas the Company have for many years contributed to the association fund an amount equal to the contributions thereto of the members thereof and have also paid and agreed to pay to or set aside for behoof of the association fund other additional sums not exceeding those authorised by the said Act of 1875:

And whereas as the result of an actuarial investigation and valuation of the liabilities and assets of the association fund it appears that the accumulated assets and the contributions provided for by the said rules and regulations now in force are inadequate

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to provide the superannuation and other allowances prescribed by the said rules and regulations:

And whereas the Company are willing to guarantee the payments and other allowances provided for by the scheme set forth in the schedule to this Order on being relieved from the obligations imposed by the said Act of 1875 and it is expedient that the said scheme should be confirmed and should have effect in lieu of and in substitution for the general rules and regulations of the said superannuation fund association now in force and that such other provisions as are contained in this Order should be made with respect thereto:

And whereas it is expedient that the Company should be empowered to grant and make to officers and servants of the Company pensions allowances and payments during old age sickness or incapacity of such officers and servants and to contribute to the North British Railway Insurance Society to which servants of the Company are contributors:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited for all purposes as the North British Railway (Superannuation Fund &c.) Order 1911.

Interpretation.

2. In this Order the expression "the appointed day" means the first day of January one thousand nine hundred and twelve and the expression "the scheme" means the scheme set forth in the schedule to this Order.

Words and expressions to which meanings are assigned by the scheme have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction.

Establishment of superannuation scheme.

3. As on and from the appointed day the following provisions shall take effect:—

(1) The scheme shall be established and shall subject to the provisions of this Order be in force and have effect in lieu of and in substitution for the general rules and

regulations of the North British Railway Superannuation Fund Association now in force and those rules and regulations shall on and after the appointed day cease to have any force or effect:

(2) The whole of the moneys of the association fund shall be carried to a special account in the general books of the Company to be called "the North British Railway superannuation fund account" and shall along with all future moneys of and additions to the superannuation fund be held by the Company in trust for the scheme and shall be a debt due by the Company and a charge upon the general undertaking of the Company:

(3) The liability of the Company to make half-yearly or any other payments to the association fund under the North British Railway Act 1875 or under the said general rules and regulations or under any other existing provision agreement or arrangement shall cease and in lieu thereof the Company shall in the half year ending on the thirty-first day of July one thousand nine hundred and twelve and in each succeeding half year ending on the thirty-first day of January and the thirty-first day of July pay to the superannuation fund a sum equivalent to the amount of the contributions to the superannuation fund by the contributing members thereof in the service of the Company during the half year ending on the thirtieth day of June or thirty-first day of December as the case may be in the same half year:

(4) The amounts for the time being standing to the credit of the superannuation fund account provided for by the scheme and the superannuation fund reserve account hereafter in this Order referred to may be applied by the Company to the purposes of this Order and to the general purposes of the undertaking of the Company being in every case general purposes to which capital is properly applicable.

Guarantee by Company.

4. The Company shall guarantee the payment of and make good out of their gross revenue as part of the working expenses of their undertaking the superannuation allowances and other payments under the scheme and if in any half year the amount

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of the members' contributions the amount of the Company's contributions the contributions of any joint committee or company the interest payable by the Company under the scheme and any other revenue of the superannuation fund shall be together insufficient to meet the superannuation allowances and other payments under the scheme the Company shall make good the deficiency.

Power to set aside funds to meet liabilities.

5. The directors of the Company may from time to time contribute to the superannuation fund such sums over and above the equivalent of the members' contributions as they think fit and may appropriate and set aside in any half year such sum or sums as they may consider expedient to set aside to meet any future liability of the Company in respect of the payment of the superannuation and other payments or allowances payable under the scheme and any sums so set aside shall be credited to a superannuation fund reserve account in the Company's general books shall be shown separately in the published accounts of the Company and shall be expended only for the purposes of this Order.

Contributions by other companies.

6. Any contributions which but for the confirmation of this Order would have been payable to the association fund by any company other than the Company or by any joint committee in pursuance of arrangements made under the provisions of section 47 of the North British Railway Act 1887 or section 50 of the North British Railway (General Powers) Act 1897 or otherwise shall as from the appointed day be paid by such other company or joint committee to the Company and shall be credited by the Company to the superannuation fund and the contributions which may become payable by any company other than the Company or by any joint committee in respect of members admitted after the appointed day to the superannuation fund provided for by the scheme shall be paid by such other company or joint committee to the Company and shall be credited by the Company to the superannuation fund.

Rights of Company to make other payments.

7. The Company may grant and make such pension or other allowance or payment to any of their officers or servants during old age or sickness or otherwise as the directors may from time to time think fit and whether such officer or servant is in receipt of an allowance from the superannuation fund or not and the Company may from time to time contribute to the funds of the North British Railway Insurance Society such sums as the directors may think fit.

Payments to be made as working expenses.

8. All amounts or sums of money which the Company are by this Order or the scheme authorised or required to pay provide or set aside shall be charged to and paid or provided out of the gross revenue of their undertaking as part of the working expenses of their undertaking in the half year in which the same are so paid provided or set aside.

Existing superannuation allowances.

9. On and from the appointed day all superannuation allowances and payments which formed a charge upon and were at the thirty-first day of December one thousand nine hundred and eleven payable out of the association fund shall (undiminished in amount but subject to the conditions attaching thereto) form a charge upon and be payable out of the superannuation fund (except that such allowances as are payable to members retiring at or over the age of sixty years but under the age of sixty-five years on or after the first day of October one thousand nine hundred and ten and before the appointed day shall be revised so as to accord with the provisions of this scheme as from the last-mentioned date).

Superannuation allowance not assignable.

10. Every superannuation allowance granted under this Order shall be purely alimentary and shall be payable to or in trust for the officer and shall not be assignable or arrestable for his debts or other liabilities.

Repeal.

11. As on and from the appointed day sections 38 39 and 40 of the North British Railway Act 1875 sections 47 and 48 of the North British Railway Act 1887 and sections 50 and 51 of the North British Railway (General Powers) Act 1897 shall be and the same are hereby repealed.

Costs of Order.

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

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The SCHEDULE referred to in the foregoing Order.

NORTH BRITISH RAILWAY SUPERANNUATION SCHEME.

Definitions.

1. In this scheme unless there is something in the subject or context repugnant to such construction—

The expression "the association fund" means the North British Railway superannuation fund established under section 38 of the North British Railway Act 1875:

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

The expression "salaried officer" means officer clerk or servant of the Company or of any such joint committee or other company as is referred to in this scheme remunerated by an annual salary in contradistinction to weekly wages or to any form of remuneration other than an annual salary:

The expression "the Company" means the North British Railway Company:

The expression "service" means service of the Company in the capacity of salaried officer and includes the service of any such joint committee or other company as is referred to in this scheme in such capacity:

The expression "contributing member" means any salaried officer for the time being contributing to the superannuation fund and does not include a claimant on such fund:

The expression "old member" means a salaried officer who shall become a contributing member of the superannuation fund and who shall also have been a contributing member of the association fund at thirty-first December one thousand nine hundred and eleven:

The expression "new member" means any salaried officer other than an old member who shall become a contributing member of the superannuation fund on or after the first day of January one thousand nine hundred and twelve:

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

The expression "the committee" means the committee for the time being acting in the management and direction of the superannuation fund:

The expression "month" means calendar month:

Words in the singular include the plural:

Words in the plural include the singular:

Words importing the masculine gender include females.

ADMISSION OF MEMBERS. A.D. 1911.

Membership.

2. The persons entitled to become and who shall become members of the superannuation fund shall be as follows:—

(A) Every salaried officer who is a contributing member of the association fund at thirty-first December one thousand nine hundred and eleven and who continues in the service after that date but any such officer who became such a member of the association fund subject to any special arrangement shall become a contributing member of the superannuation fund subject (so far as the scheme will permit) to such arrangement; and

(B) Every person who shall on or after the first day of January one thousand nine hundred and twelve become a salaried officer of the Company at or under the age of fifty years:

Provided always that in the case of persons transferred from the wages staff of the Company to the salaried staff thereof after the first day of March one thousand nine hundred and four no person being at the date of his being so transferred over thirty-five years of age and being a member of the North British Railway Insurance Society who has elected or elects at the date of transfer to continue such membership during the remainder of his service shall be entitled to be a contributing member of or participate in the benefits of the superannuation fund.

Salaried officers over 50 years of age.

3. Any future salaried officer whose age exceeds fifty but does not exceed fifty-five years may with the approval of the directors be admitted to membership of the superannuation fund on such terms and conditions with regard to contributions superannuation allowance and otherwise as the committee may with such approval determine and the provisions of the scheme shall apply to such future salaried officer subject to such terms and conditions.

Provision for joint salaried officers.

4. Any salaried officer in the service of any joint committee in which the Company is represented constituted by Act of Parliament or otherwise for owning managing maintaining and working or for managing maintaining and working any undertaking in which the Company has or may hereafter have an interest or in the joint service of the Company and any other company or companies may subject to the approval of the Company the committee and such joint committee or other company or companies as aforesaid and to such extent and on such terms and conditions as may be agreed between the Company and the committee and any such joint committee or other company or companies as aforesaid as the case may be become a contributing member of and participate in the benefits of the superannuation fund to the said extent and subject to such terms and conditions as if he were a salaried officer of the

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Company and any such joint committee or other company or companies as aforesaid may from time to time contribute towards the said fund such sum or sums as may be agreed between the Company the committee and any such joint committee or other company or companies as aforesaid The provisions of the scheme shall apply to such joint salaried officer subject to any terms and conditions aforesaid.

Provision for salaried officers of Forth Bridge Railway Company.

5. Any salaried officer in the service of the Forth Bridge Railway Company may subject to the approval of the Company the committee and the Forth Bridge Railway Company and to such extent and on such terms and conditions as may be agreed between the Company and the committee and the Forth Bridge Railway Company become a contributing member of and participate in the benefits of the superannuation fund to the said extent and subject to such terms and conditions as if he were a salaried officer of the Company and the Forth Bridge Railway Company may from time to time contribute towards the said fund such sum or sums as may be agreed between the Company the committee and the Forth Bridge Railway Company The provisions of the scheme shall apply to such salaried officer of the Forth Bridge Railway Company subject to the terms and conditions aforesaid.

Contributing member ceasing to be in service of Company.

6. Save as aforesaid no salaried officer of the Company or of any joint committee or other company shall be a member of or derive any benefit from the superannuation fund and any contributing member ceasing to be in the service shall thereupon also cease to be a contributor to the said fund and except as is hereinafter provided shall forfeit all benefit from the said fund.

CONTRIBUTIONS OF MEMBERS.

Contributions.

7.—(i) Every old member shall contribute annually to the superannuation fund such percentage of his actual salary for the time being as such member would but for the establishment of this scheme have contributed to the association fund under the general rules and regulations of the North British Railway Superannuation Fund Association as existing on the thirty-first day of December one thousand nine hundred and eleven.

(ii) Except as hereinafter provided every new member shall contribute annually to the superannuation fund a sum equal to two and a half per centum upon his actual salary for the time being.

(iii) Any new member who at the time of his becoming a contributing member shall be more than thirty but not more than fifty years of age shall have the option to be declared at the time of his admission to contribute to the superannuation fund in accordance with the following Table A. (that is to say):—

TABLE A.

Age at Entry as a Contributing Member.	Rate of Contribution in percentage of Salary for Superannuation Allowance.
Years next Birthday.	Per cent.
31 and not exceeding 35 - - -	$3\frac{1}{2}$
36 „ „ 40 - - -	$4\frac{1}{2}$
41 „ „ 45 - - -	$5\frac{1}{2}$
46 „ „ 50 - - -	$6\frac{1}{2}$

(iv) Any new member who either—

(1) Shall be not more than thirty years of age at the time of becoming a contributing member; or

(2) Being at such time over thirty years of age has elected to contribute to the scheme according to the foregoing Table A.;

shall have the further option to be declared at the time of his becoming a contributing member to contribute to the superannuation fund in addition to the percentage to be otherwise contributed by him an annual surcharge of one per centum of his actual salary for the time being.

Contributions by deductions from salaries.

8. All the contributions of a contributing member to the superannuation fund shall be made by deduction from the salary of such member as and when paid and in the case of any such member being in the service of any joint committee or company other than the Company the amounts so deducted shall be forthwith paid over to the Company by the joint committee or company deducting the same and shall be credited by the Company to the superannuation fund.

THE SUPERANNUATION FUND.

Interest.

9. The superannuation fund shall be accumulated at interest in the hands and under the trust of the Company at the rate of four per centum per annum the interest on the moneys accumulated for the time being to be ascertained and carried to the credit of the superannuation fund revenue account at the close of every half year half years being for this purpose reckoned from the first day of January to the thirtieth day of June both inclusive and from the first day of July to the thirty-first day of December both inclusive.

Superannuation fund accounts.

10. The superannuation fund account shall comprise two parts (namely) a capital account and a revenue account.

The capital account shall be credited with the sum certified as due by the Company to the association fund as at the thirty-first day of December one thousand nine hundred and eleven including interest to

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that date and with any other moneys belonging to the association fund and with any surplus revenue standing to the credit of the revenue account in any half year as hereinafter provided.

The revenue account shall be credited with (1) contributions by contributing members (2) contributions by the Company (3) contributions by joint committees and any company other than the Company (4) interest payable by the Company on the moneys for the time being of the superannuation fund as hereinbefore provided and (5) any other receipts of the said fund and shall be debited with all charges against the said fund.

If in any half year ending thirtieth June or thirty-first December the amounts so credited to the revenue account exceed the charges so debited to such account in that half year the balance shall be carried and credited to the capital account.

If in any such half year the amounts so credited to the revenue account are less than the charges debited to such account in that half year the Company shall pay into the superannuation fund to the credit of the revenue account the amount of the deficiency.

Every contributing member or any person nominated by a contributing member shall be entitled at all reasonable times on application to the secretary of the superannuation fund to inspect the superannuation fund accounts and all books relating thereto and to make any copies or extracts of or from any such accounts and books.

PAYMENTS TO MEMBERS LEAVING THE SERVICE AND TO REPRESENTATIVES OF DECEASED MEMBERS.

Contributing member dismissed or retiring from service.

11. Any contributing member dismissed or retiring from the service (except as hereinafter provided) shall receive back all his own contributions without interest and shall have no further claim on the superannuation fund.

Contributing member required to leave service from reduction of staff.

12. Any contributing member who may be required by the Company to leave the service from the reduction of staff and who shall not have fulfilled the conditions which shall entitle him to superannuation allowance shall receive back all his own contributions together with an amount contributed by the Company on his behalf equal to the member's ordinary contributions without interest and have no further claim on the superannuation fund.

Death before superannuation.

13. In the event of the death of a contributing member before such member receives any superannuation allowance there shall be paid out of the superannuation fund to the legal personal representative of such member a sum equal to the amount of such member's ordinary contri-

butions to the said fund (namely two and a half per centum on his actual salary for the time being) together with a sum equal to such member's additional contributions thereto (if any) but without interest on any such contributions Provided always (first) that where any such member leaves a widow or direct descendant there shall further be paid out of the superannuation fund to such widow and if there be no such widow then to the direct descendant of such member (and in the case of there being more than one such direct descendant to such one or more of them and in such shares and proportions as the committee shall in their absolute discretion determine) an additional sum equal in amount to such member's ordinary contributions to the said fund and (second) that where any such member leaves no widow or direct descendant but some other person or persons who was or were dependent upon him there may be paid to such dependant or dependants or any of them out of the superannuation fund such further sum over and above the amount paid to the legal personal representative of such member as the committee may in their absolute discretion think fit but so that such further sum shall not exceed the amount of the additional sum which would have been paid under this provision to a widow or a direct descendant of such member.

Death after superannuation.

14. In the event of the death of a contributing member after such member has received any superannuation allowance there shall be paid out of the superannuation fund to the legal personal representative of such member a sum (if any) equal to the amount of such member's ordinary contributions to the said fund (namely two and a half per centum on his actual salary for the time being) together with a sum equal to the amount of such member's additional contributions thereto (if any) but without interest on any such contributions after deducting therefrom the amount which such member shall have received as or in respect of superannuation allowance Provided always (first) that where any such member leaves a widow or direct descendant there shall be paid out of the superannuation fund to such widow and if there be no such widow then to the direct descendant of such member (and in the case of there being more than one such direct descendant to such one or more of them and in such shares and proportions as the committee shall in their absolute discretion determine) a further sum (if any) equal to twice the amount of such member's ordinary contributions together with a sum equal to such member's additional contributions (if any) less the amount which such member shall have received as or in respect of superannuation allowance and less the amount (if any) paid to the legal personal representative of such member and (second) that where any such member leaves no widow or direct descendant but some other person or persons who was or were dependent upon him there may be paid to such dependant or dependants or any of them out of the superannuation fund such further sum over

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and above the amount (if any) paid to the legal personal representative of such member as the committee may in their absolute discretion think fit but so that such further sum shall not exceed the amount of the additional sum which would have been paid under this provision to a widow or a direct descendant of such member.

As to payment where no legal personal representative.

15. If in any of the above cases in which sums are payable to the legal personal representative of the deceased member there shall be no such legal personal representative the sum payable may be paid without confirmation or letters of administration to the person who appears upon such evidence as the committee may deem satisfactory to be entitled by law to receive the same and thereafter the superannuation fund shall not be liable to any further payment to the estate of such deceased contributing member.

ALLOWANCES.

Superannuation allowances.

16. There shall be paid out of the superannuation fund a superannuation allowance for the remainder of his life to every contributing member of the superannuation fund who shall on or after the first day of January one thousand nine hundred and twelve retire from the service as follows:—

First To each member retiring after having contributed for at least fifteen years to the superannuation fund or to that fund and the association fund and after attaining the age of sixty-five years—

(A) In the case of any such member so retiring and being—

(i) An old member not subject to the provisions of clause (c) of this article; or

(ii) A new member who at the time of his admission to the superannuation fund was not more than thirty years of age and who elected to contribute and has contributed to the said fund such surcharge as aforesaid of one per centum per annum on his actual salary for the time being in addition to the percentage otherwise payable by him; or

(iii) A new member who at the time of his admission to the superannuation fund was more than thirty years of age and who elected to contribute and has contributed to the said fund in accordance with the foregoing Table A. and in addition elected to contribute and has contributed to the said fund such surcharge as aforesaid of one per centum per annum of his actual salary for the time being;

a superannuation allowance consisting of two parts (viz.):—

(i) One part to be one third of the average salary of such member calculated over the last fifteen years of service;

(ii) The other part to be at the rate of twenty pounds per annum for every one hundred pounds contributed to the superannuation fund or to that fund and to the association fund by such member excluding any contributions above two and a half per centum on his actual salary for the time being and including as contributions compound interest at the rate of four per centum per annum calculated half-yearly on such two and a half per centum contributions:

(B) In the case of any such member so retiring and being a new member who at the time of his admission to the superannuation fund—

(i) Was not more than thirty years of age and did not at the time of such admission elect to contribute to the said fund any such surcharge as aforesaid; or

(ii) Was more than thirty years of age and elected to contribute and has contributed to the superannuation fund in accordance with the foregoing Table A. but did not at the time of such admission elect to contribute to the said fund any such surcharge as aforesaid;

a superannuation allowance consisting of two parts (viz.):—

(i) One part to be one third of the average salary of such member calculated over the last fifteen years of service;

(ii) The other part to be at the rate of fifteen pounds per annum for every hundred pounds contributed to the superannuation fund by such member excluding any contributions above two and a half per centum on his actual salary for the time being and including as contributions compound interest at the rate of four per centum per annum calculated half-yearly on the two and a half per centum contributions:

(C) In the case of any such member old or new so retiring who at the time of his admission to the association fund or to the superannuation fund was over thirty years of age and who elected to contribute to the said fund at the rate of two and a half per centum only on his actual salary for the time being a superannuation allowance consisting of two

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parts and calculated according to the following Table B. (that is to say):—

TABLE B.

Age at Entry as a Contributing Member.	First Part of Superannuation Allowance.	Second Part of Superannuation Allowance.
Years next Birthday.	Superannuation Allowance in percentage of average Salary of last 15 Years.	Superannuation Allowance in percentage of accumulated Contributions.
31 and not exceeding 35	23·8	10·7
36 „ „ 40	18·5	8·3
41 „ „ 45	15·2	6·8
46 „ „ 50	12·8	5·8

Second To each member retiring after having contributed for at least fifteen years to the superannuation fund or to that fund and the association fund and after attaining the age of sixty and before attaining the age of sixty-five years—

A superannuation allowance consisting of two parts and calculated according to the foregoing provisions but reduced to the extent of two and a half per centum per annum in respect of each year or part of a year by which the age of the retiring member is at the date of his retirement below sixty-five years.

Third To each member admitted to membership of the association fund or of the superannuation fund at the age of fifty or upwards retiring after having contributed to the superannuation fund or to that fund and the association fund for less than fifteen years but not less than ten years and after attaining the age of sixty-five years—

A superannuation allowance consisting of two parts and calculated according to the foregoing provisions but over the period for which the retiring member contributed although such period may be less than fifteen years.

Provided that with regard to retiring contributing members subject to the provisions of branches first and second of this article no superannuation allowance shall exceed two thirds of the average salary of the contributing member calculated over the last fifteen years of service and that with regard to retiring contributing members subject to the provisions of branch third of this article no superannuation allowance shall exceed two thirds of the average salary of the contributing member calculated over the period during which he contributed:

Provided also that the minimum superannuation allowance payable to a retiring contributing member subject to the provisions of branch first of this article shall be forty pounds per annum and that the minimum superannuation allowance payable to a retiring contributing member subject to the provisions of branches second or third of this article shall be thirty pounds per annum.

Incapacity by infirmity before attaining the age of 65.

17. Every contributing member who shall have contributed for a period of ten years or upwards to the superannuation fund or to that fund and to the association fund and who shall while continuing in the service although under the age of sixty-five years be incapacitated by infirmity of body or mind (not arising from his own misconduct) from performing the duties of his office shall from the time of the cessation or suspension of his salary by reason of such incapacity but subject to the provisions hereinafter contained be entitled to such superannuation allowance as if he had attained the age of sixty-five years at the time of such cessation or suspension and had thereupon retired from the service save and except that if any such contributing member shall have contributed to the superannuation fund or to that fund and to the association fund for less than fifteen years the first part of his superannuation allowance shall be one third of the average salary of such member calculated over the number of years during which he shall have so contributed:

Provided always—

(1) That satisfactory evidence of the actual state of health of such member shall be produced to the committee who with the aid of medical advice shall decide on the fitness of each case for relief;

(2) That in the event of the total or partial recovery before attaining the age of sixty-five years of any person to whom any superannuation allowance has been granted under this provision the committee may having regard to such person's rank in the service to the nature of his recovery and to his capacity for earning an income adequate to his position in life withdraw or reduce the superannuation allowance which may have been granted to such person;

(3) That it shall be in the discretion of the committee to refuse to grant any superannuation allowance under this provision in any case where the member applying for the same although incapacitated as aforesaid from performing the duties of the office actually held by him is nevertheless in a situation to earn an income suited to his position in life; and

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(4) That the committee may in their discretion in any case falling within this provision grant a superannuation allowance less than the full superannuation allowance which would be determined by the length of time during which the member applying under this provision shall have contributed to the superannuation fund or to that fund and to the association fund and may from time to time increase or diminish such superannuation allowance so that the full annual superannuation allowance applicable to the period of contribution as aforesaid shall not in any year be exceeded and may on the cessation of any superannuation allowance under this provision if they shall think it just give to the person whose allowance shall have ceased any further benefit from contributions made by him and may if he shall return to the service of the Company on the cessation of such allowance settle what (if any) benefit he shall derive from his said contributions and whether his contributions for the future shall be considered as commencing from that time or from any other time.

The committee shall consider every application under this provision in an equitable spirit according to its own merits and circumstances If any member shall dispute any decision of the committee under (2) (3) or (4) of this provision the matter in difference shall be referred to the decision of a person to be mutually named by the said member and the said committee and failing their agreeing on such person then by a person to be named by the Junior Lord Ordinary of the Court of Session and the decision of the said referee shall be final and he shall be empowered to decide by whom the costs charges and expenses of and attending the reference including his own fee as the same shall be adjusted and settled by him shall be paid.

Claims against fund may be commuted.

18. Any claim for a superannuation allowance may at the request of the superannuated member and with the sanction of the directors be at any time commuted by the committee by a single payment and thereafter such member shall have no further claim on the superannuation fund.

Payment of superannuation allowances.

19. All superannuation allowances shall be considered as accruing from day to day and be payable either monthly or quarterly as the retiring member shall at the time of his retirement elect If quarterly the allowances shall be paid on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year or if monthly then upon the last day of each calendar month unless any such day shall fall on a Sunday and then on the day following.

MANAGEMENT OF THE FUND.

Committee of management.

20. There shall be a committee for the management of the superannuation fund which shall consist of the following persons namely four persons nominated from time to time by the directors (two of whom at least shall be directors) and four persons being contributing members to be elected by the contributing members as hereinafter provided and five members of the committee shall be a quorum Provided that until after the first election of committeemen by the contributing members as hereinafter provided the committee of management of the association fund in office on the thirty-first day of December one thousand nine hundred and eleven shall be the committee within the meaning of this schème and shall be subject to the provisions (so far as applicable) of this scheme relating to the committee and to persons forming such committee.

Election of committee.

21. The election by contributing members of the committee shall take place in the month of May in the year one thousand nine hundred and twelve and in the month of May in every third year thereafter and the said elections shall be conducted in the following manner namely—within the first ten days of such month in the year one thousand nine hundred and twelve and in every third year thereafter as aforesaid any six at least of the contributing members may send to the secretary of the superannuation fund (hereinafter called "the secretary") a nomination paper signed by them containing the names of not more than four contributing members whom they desire to propose for election as committeemen If four persons and no more shall be so proposed such four persons shall be considered duly elected But if more than four persons shall be proposed the secretary shall in any such case not later than the eighteenth day of the said month send to every contributing member at his station or place of service as entered in the register of contributing members a printed form of voting paper containing the names of the persons so proposed Each contributing member may vote for such of the candidates on such voting paper not exceeding four as he pleases and shall do so by striking out the names of the candidates for whom he does not desire to vote and signing his name on the inside of the flap of an envelope and returning the voting paper in such envelope to the secretary within ten days of the date of the voting paper The secretary shall in the presence of all or such of the candidates as may desire to attend and of two scrutineers appointed by the committee open the envelopes and count the votes so given for each of the several candidates and shall make out a list thereof and within seven days after the expiration of the last-mentioned ten days sign such list and declare the four persons elected who shall according to such counting have received the largest number of votes as members of the Committee and shall notify the same to the several

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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 candidates having an equal number of votes the chairman for the time being of the Company shall have the casting vote.

Appointment of chairman.

22. The directors of the Company shall from time to time appoint one of the persons nominated by them being himself a director to be chairman of the committee and in the absence of the chairman one of the persons (preferably a director) nominated by the directors shall act as chairman.

Decisions of committee.

23. The decision of the majority of the committee shall be deemed to be the decision of the committee The chairman of the committee shall in cases of equal division have an additional or casting vote

Procedure of committee.

The procedure of the committee as to manner of voting and otherwise howsoever shall in all respects be regulated by the committee.

Committee to decide claims.

24. Save as in the scheme otherwise provided the committee shall decide all claims made upon the superannuation fund.

Decisions of fact.

25. In deciding any questions of fact the committee may act upon such proofs or presumptions as they shall deem adequate whether the same shall be strictly legal proofs or legal presumptions or not.

Removal of committeemen.

26. The persons from time to time elected by contributing members as members of the committee shall continue in office until the next general election of contributing members' committeemen or until their successors are elected and shall be eligible for re-election Provided that if any contributing members' committeeman shall at any time before the then next election of such committeemen resign or cease to be a contributing member he shall cease to be a committeeman and then and so often and also upon the death of any contributing members' committeeman the vacancy so caused shall be filled up by the vote of the majority of the remaining contributing members' committeemen at a meeting specially called for the purpose by notice sent to each such committeeman ten days at least prior to the meeting and the person so elected (who shall be a contributing member of not less than twenty-one years of age) shall continue in office during so long only as the person in whose place he may have been appointed would have remained The persons nominated as members of the committee by the directors shall continue in office during the pleasure of the directors who shall from time to time fill up any vacancy caused by death or otherwise.

Meetings of committee.

27. The committee shall meet at such times not being less than twice annually and at such place or places and subject to such rules and regulations (if any) as in their discretion they shall from time to

Appointment of secretary.

time make for the conduct of their business and for their guidance and they shall from time to time elect a fit and proper person who shall be approved by the directors to be secretary and the committee shall have full power at any time to remove any secretary and to appoint another person approved as aforesaid in his stead and to assign to every secretary such salary and such allowance for clerical assistance and outlays as the committee shall with the approval of the directors determine.

Duties of secretary.

28. The secretary shall receive and report to the committee all applications for allowances resignations and other matters he shall summon all meetings he shall keep a faithful record of all the business and transactions of the committee and perform all such other duties with reference to carrying out the business as the committee shall from time to time appoint He shall keep a full and true record of the times of commencement of membership of the dates of the several contributions and of all other facts necessary or proper to be recorded and also a correct register of all contributing members He shall keep the books and accounts of the superannuation fund and balance the same annually as at thirty-first December and the Company shall afford to him all information and assistance required by him from time to time to enable him to comply with this obligation.

Books and accounts to be kept.

Books and accounts to be audited.

29. The books and accounts balanced as aforesaid shall be audited by the Company's auditors and an abstract thereof together with the auditors' certificate shall be submitted to the committee and to the directors not later than the month of March next following.

Abstract of accounts.

30. The committee shall cause the abstract of accounts and auditors' certificate to be printed A copy thereof together with a report which shall contain particulars of the number of contributing members and annuitants on the books the number of members who have died or left the service and such other information as the committee may decide upon shall be furnished to every contributing member The report shall state also the amount from time to time standing to the credit of the Superannuation Fund Reserve Account referred to in the section of the North British Railway (Superannuation Fund &c.) Order 1911 of which the marginal note is "Power to set aside funds to meet liabilities."

Substitute for secretary.

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

Superannuation fund accounts to be actuarially investigated.

32. The Company shall as soon as practicable after the expiration of a period of five years from the appointed day and as soon as practicable after the expiration of each subsequent period of five years cause an actuarial investigation of the scheme to be made (such investigation to include recommendations for consideration of the

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Company as to the amounts requiring for the time being to be contributed or set aside by the Company in terms of the section of the North British Railway (Superannuation Fund &c.) Order 1911 whereof the marginal note is "Power to set aside funds to meet liabilities") and a copy of the report made by the actuary or actuaries on each such investigation shall be sent by the Company to the secretary within one month from the date on which such report shall be received by the Company and shall at all reasonable times be open to the inspection of contributing members and any contributing member or other person interested shall be entitled to a copy of such report on making application to the secretary of the fund.

Settlement of disputes.

33. If any dispute shall arise between any member of the superannuation fund or person claiming under or on account of any member or under this scheme and the committee except in respect of any matter left in the discretion of the committee the matter in dispute shall (unless the determination thereof is in this scheme otherwise expressly provided for) be referred in writing to some person not being directly or indirectly personally interested in the scheme to be named by the Junior Lord Ordinary of the Court of Session and the decision of such person shall be final and conclusive and he shall be empowered to decide by whom any costs charges and expenses attending the reference including his own fee as the same shall be adjusted and settled by him shall be paid.

Alteration of scheme.

34. The committee at a meeting summoned specially for the purpose by notice sent to each member of the committee twenty-eight clear days prior to the meeting of the time and place and object of such meeting may with the approval of the directors signified under the hand of their secretary alter any provisions of this scheme Provided that notice of the intention to make any such alteration shall be sent to each contributing member and that no such alteration shall take effect if it shall have been objected to in writing within one month after the date of such notice by one fourth in number of such members Provided also that no such alteration shall have the effect of increasing the contributions payable by the then existing contributing members or diminishing the benefits receivable by them under this scheme.

Annual general meeting.

35. An annual general meeting of contributing members shall be held in the month of April of each year at such time and place in Edinburgh as the committee may determine and the secretary shall issue a notice thereof containing the agenda and the abstract of accounts and other information printed under the provisions of Article 30 hereof to each such member at least fourteen days prior to the date of such annual general meeting and a contributing member may appoint any other contributing member as his proxy to vote for him at any annual general meeting and at any adjournment thereof Notices of motions

to be brought forward at any annual general meeting shall be sent to the secretary not less than twenty-eight days before the date of such meeting.

Regulation as to proxies.

36. 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 his office at least forty-eight hours before the time for holding the annual general meeting whereat the said instrument of proxy is to be acted on.

Form of proxy.

37. The following shall be the form of the instrument of proxy:—

I *A.B.* a contributor to the North British Railway Superannuation Fund hereby appoint *C.D.* another contributor to the said fund to act as my proxy at the annual general meeting of the members of the said fund to be held on the day of and at every adjournment thereof.

As witness my hand this day of .

(Stamp.)

(Signed) *A.B.*

Discontinuance of admissions to fund.

38. The right is reserved to the Company at any time in the discretion of the directors to cease to admit to the superannuation fund any new contributing members on and after such date as the directors may previously notify.

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