

ELIZABETH II



1963 CHAPTER xxxii

An Act to establish a non-contributory pension fund for officers of the Salvation Army; to provide for the transfer to the fund of certain existing funds and for contributions to the fund from the general funds of the Salvation Army and from its associated charities and companies; to establish a board to administer the fund; to confer powers on the board to make rules determining the terms and conditions on which pensions are to be payable and to prescribe the first rules of the fund; and for other purposes. [31st July 1963]

WHEREAS in or about the year eighteen hundred and sixty-five the religious and charitable body known as the Salvation Army was founded by General William Booth and its activities which commenced in the east end of London have since been extended to all parts of the world:

And whereas the constitution of the Salvation Army was laid down in a deed poll dated the seventh day of August, eighteen hundred and seventy-eight, and has since been varied and supplemented by subsequent deeds poll executed by General William Booth and General Edward John Higgins and by the Salvation Army Act, 1931:

And whereas by virtue of the said Act of 1931 certain properties and funds of the Salvation Army and of trusts associated with the Salvation Army were vested in or transferred to the Salvation Army

Trustee Company formed pursuant to that Act and it was provided by that Act that the said properties and funds should be held by the said company as custodian trustee:

And whereas one of the said associated trusts is the trust known as "the Salvation Army Officers' Pension Fund" regulated by a deed poll dated the seventh day of February, nineteen hundred and ten, executed by General William Booth which provided for the establishment of a pension fund to be applied exclusively for the purpose of providing pensions and benefits ancillary thereto for aged and invalid officers of the Salvation Army and for widows of such officers in accordance with the rules laid down in the deed poll and for the establishment and constitution of a board to administer the fund:

And whereas on the first day of October, nineteen hundred and sixty-two, the said pension fund comprised the assets specified in Part I of the First Schedule to this Act:

And whereas since the year nineteen hundred and nineteen the Salvation Army have also operated a retirement scheme which provides for the retirement of officers of the Salvation Army from active service at specified ages and for the voluntary payment of retirement allowances to such retired officers and in certain circumstances to their widows and such allowances are paid out of the general funds of the Salvation Army:

And whereas by a settlement dated the twenty-fifth day of November, nineteen hundred and twelve, and made between George Alexander Keith Wisely and Maria Wisely his wife of the one part and the Public Trustee of the other part and expressed to be irrevocable certain funds (which on the first day of October, nineteen hundred and sixty-two, comprised the assets specified in Part II of the said schedule) were settled upon trust in the events that have happened to apply the income thereof so far as necessary and so far as the same would extend in paying a retiring allowance or pension to retired generals and their widows and subject thereto upon trust to pay such income or the balance thereof to the controller for the time being of the Salvation Army Officers' Pension Fund to be held and applied by him upon the trusts and for the purposes expressed in and declared by the deed poll of nineteen hundred and ten hereinbefore referred to:

And whereas provision is made for retired generals and their widows from the general funds of the Salvation Army:

And whereas a fund which on the first day of October, nineteen hundred and sixty-two, comprised the assets specified in Part III of the said schedule has been accumulated for the purpose of paying retirement allowances to retired generals and other officers of the Salvation Army and their widows:

And whereas the existing arrangements for providing such retirement and similar allowances for generals and other officers of the Salvation Army are unsatisfactory and it would be to the mutual benefit of the Salvation Army and of the officers to have a single scheme for that purpose:

And whereas it is expedient to establish a pension fund under the administration of a board as in this Act provided and to make such provision for transfers to and payments into and for the administration of the fund as is also in this Act provided:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the objects of this Act 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 Queen'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, that is to say:—

1.—(1) This Act may be cited as the Salvation Army Act 1963. Short and collective titles.

(2) The Salvation Army Act, 1931, and this Act may be cited together as the Salvation Army Acts 1931 and 1963.

2.—(1) In this Act unless the subject or context otherwise requires— Interpretation.

“the appointed day” means the first day of October, nineteen hundred and sixty-three;

“associated charity” means any charity associated with the Salvation Army (wheresoever established and whether before or after the passing of this Act) and includes in particular:—

the charity known as “the Salvation Army Social Work” (formerly known as “the Darkest England Scheme”) regulated by a deed poll dated the thirtieth day of January, eighteen hundred and ninety-one, under the hand and seal of William Booth;

the charity known as “the Salvation Army Red Shield Homes and Clubs” (formerly known as “the Salvation Army Naval and Military Homes”) regulated by a deed poll dated the twenty-seventh day of January, nineteen hundred and nineteen, under the hand and seal of William Bramwell Booth;

the charity known as "the William Booth Training College for Officers of the Salvation Army" regulated by a deed poll dated the nineteenth day of September, nineteen hundred and twenty-one, under the hand and seal of the said William Bramwell Booth;

- "associated company" means any company (wheresoever registered and whether formed before or after the passing of this Act) which is under the control of the Salvation Army howsoever that control may be exercised and includes in particular the Salvation Army Assurance Society Limited, the Salvation Army Fire Insurance Corporation Limited, Salvationist Publishing and Supplies Limited, the Salvation Army Trustee Company and Reliance Bank Limited whilst respectively under such control;
- "the board" means the Salvation Army Officers Pension Fund Board established by section 4 (Administration of pension fund) of this Act;
- "the deed poll of 1910" means the deed poll dated the seventh day of February, nineteen hundred and ten, under the hand and seal of William Booth and regulating the trust known as "the Salvation Army Officers' Pension Fund";
- "the existing pension fund" means the trust fund regulated by the deed poll of 1910 comprising the assets specified in Part I of the First Schedule to this Act or such other assets as may be comprised in the fund on the appointed day;
- "the general" means the general for the time being of the Salvation Army;
- "the home territory" means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland;
- "officer" means a commissioned officer of the Salvation Army and includes the general;
- "the pension fund" means the Salvation Army Officers Pension Fund established by section 3 (Establishment and objects of pension fund) of this Act;
- "the regulations" means the orders and regulations for officers of the Salvation Army for the time being in force;
- "the rules" means the rules of the pension fund for the time being in force;
- "the Salvation Army undertakings" means the Salvation Army and such of the associated charities and associated companies as are for the time being in existence;

“ staff officer ” means an officer holding a rank which under the regulations is designated as that of a staff officer;

“ the Wisely Trust Deed ” means the deed of settlement dated the twenty-fifth day of November, nineteen hundred and twelve, made between George Alexander Keith Wisely and Maria Wisely his wife of the one part and the Public Trustee of the other part under which certain funds stand settled for the benefit of retired generals and their widows and subject thereto for the benefit of the existing pension fund and “ the Wisely Trust Fund ” means the trust fund regulated by the Wisely Trust Deed comprising the assets specified in Part II of the First Schedule to this Act or such other assets as may be comprised in the fund on the appointed day.

(2) References in this Act to any office of the Salvation Army shall be construed as references to the officer for the time being holding that office.

(3) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as applied, extended, amended, varied or re-enacted by or by virtue of any subsequent enactment including this Act.

3.—(1) On the appointed day there shall be established a fund to be called “ the Salvation Army Officers Pension Fund ”.

Establishment
and objects
of pension
fund.

(2) The objects for which the pension fund is established are—

(a) to continue the pensions in payment immediately before the appointed day to those officers who were then in receipt of pensions from the existing pension fund;

(b) to pay pensions to those officers who immediately before the appointed day were in receipt of retirement allowances from any of the Salvation Army undertakings;

(c) to pay pensions and allowances and to make grants to officers who may retire on or at any time after the appointed day whether by reason of having reached retirement age or on the grounds of ill-health or of other disability or on any other grounds which in the opinion of the board justify the payment of a pension or the making of an allowance or grant (as the case may be);

(d) to make provision for the widows and other dependants of any such officers as are referred to in the foregoing provisions of this subsection.

(3) The pension fund shall be non-contributory and nothing in this Act shall confer any right on an officer or other person to receive or continue to receive a pension or a pension of any particular amount.

Administration
of pension
fund.

4.—(1) On the appointed day there shall be constituted a board as provided in this Act for the purpose of administering the pension fund.

(2) (a) The board shall be a body corporate under the name and style of the Salvation Army Officers Pension Fund Board with perpetual succession and a common seal and by that name may sue and be sued.

(b) The Second Schedule to this Act shall have effect with respect to the board.

(3) The board shall have power for the purpose of administering the pension fund—

- (a) to acquire or receive by purchase, gift, bequest or in any other manner any real or personal property and any rights or interests therein and consistently with the objects of the pension fund but not otherwise to undertake and perform any services or conditions attached to the acquisition or receipt thereof;
- (b) to sell, lease, surrender, exchange, dispose of or otherwise deal in any manner with all or any of the property or assets for the time being forming part of the pension fund or to grant any easements, rights or privileges to be exercised or enjoyed on, over, upon or under the same or any part thereof;
- (c) to provide, equip and maintain buildings on any land forming part of the pension fund;
- (d) to borrow or raise or secure the payment of money in such manner as the board may think fit and in particular by mortgage of or charge upon all or any of the board's assets (both present and future) or by the creation and issue of debentures, debenture stock or other obligations or securities of any description;
- (e) to undertake the administration or execution, alone or jointly with any other person, of any trusts, whether created inter vivos or by will, comprising any property or assets in which or in any part or share of which the board may be interested or being trusts for charitable purposes within or similar to the objects of the pension fund or the administration or execution of which are incidental or conducive to the attainment of the said objects or any of them;
- (f) to form and maintain a reserve fund to meet any loss to or deficiency on the pension fund;
- (g) to grant gratuities to officers or to their widows or other dependants;

(h) to enter into and carry into effect agreements with any insurance company or other person for securing such pensions, gratuities or allowances as are by this Act authorised to be paid;

(i) to do all such other things as are incidental or conducive to the attainment of the objects of the pension fund.

(4) (a) The rules set out in the Third Schedule to this Act shall be the first rules of the pension fund and, subject to the provisions of this section, may be altered, added to or revoked.

(b) The rules shall not be altered so as to permit the repayment to the Salvation Army undertakings (except upon the dissolution of the pension fund) of any moneys transferred to or paid by any of those undertakings to the pension fund.

(c) No resolution to alter, add to or revoke the rules shall be effective unless passed unanimously at a meeting of the board at which not less than three-fourths of the members of the board, including the chairman or vice-chairman, are present.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section otherwise than in accordance with the provisions of any order in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

5.—(1) (a) On the appointed day the freehold and leasehold properties specified in Part I of the First Schedule to this Act shall by virtue of this Act and without any further or other assurance vest in the board. Transfers to board.

(b) On or as soon as is reasonably practicable after the appointed day the remaining assets comprised in the existing pension fund, the assets comprised in the Wisely Trust Fund and the assets forming part of the general funds of the Salvation Army which are specified in Part III of the First Schedule to this Act shall be transferred to the board.

(c) The general, the Salvation Army Trustee Company and all other necessary parties shall execute and do all such assurances and things as may be requisite for vesting in the board the assets to be transferred pursuant to paragraph (b) of this subsection.

(2) The assets vested in or transferred to the board under or by virtue of this section shall be held by the board for the purposes of the pension fund.

(3) The board may enter into arrangements with the Salvation Army in any part of the world providing for contributions to or payments from the pension fund in respect of officers (including officers serving with an associated charity or an associated company) who have served or are serving outside the home territory but who have also served or are serving as officers within that territory.

Powers of investment.

6.—(1) Any moneys for the time being in the hands of the board, which are not for the time being required for expenditure for purposes to which such moneys are applicable under this Act, may be invested in the purchase of any investments or property of any description either real or personal and where-soever situate and whether or not being investments or property otherwise authorised by law for the investment of trust funds or upon loan upon the security of any property of any description or without security.

(2) Moneys which the board do not think fit immediately to invest may be deposited at any bank.

(3) The board may from time to time at their discretion transpose or vary their investments for or into any others authorised by this section.

(4) In relation to land, whether freehold or leasehold, acquired as an investment, the board may exercise all the powers of management, improvement or development which could be exercised by an absolute owner holding the land beneficially.

(5) Nothing in this section shall authorise the making of any investment in contravention of the provisions of the Exchange Control Act, 1947.

Duty of board in choosing investments.

7.—(1) In the exercise of the powers of investment conferred by the last foregoing section of this Act, the board shall have regard—

(a) to the need for diversification of investments of the pension fund in so far as is appropriate to the circumstances of the fund;

(b) to the suitability to the pension fund of investments of the description of investment proposed and of the investment proposed as an investment of that description.

(2) Before making any investment the board shall obtain and consider proper advice on the question whether the investment is satisfactory having regard to the matters mentioned in paragraphs (a) and (b) of the foregoing subsection.

(3) The board retaining any investment shall determine at what intervals the circumstances, and in particular the nature of the investment, make it desirable to obtain such advice as aforesaid, and shall obtain and consider such advice accordingly.

(4) For the purposes of the two foregoing subsections, proper advice is the advice of a person who is reasonably believed by the board to be qualified by his ability in and practical experience of financial matters; and such advice may be given by a person notwithstanding that he gives it in the course of his employment.

(5) The board shall not be treated as having complied with subsection (2) or (3) of this section unless the advice was given or has been subsequently confirmed in writing.

(6) Subsections (2) and (3) of this section shall not apply to a member of the board or of a committee thereof where he is the person giving the advice required by this section to the board and shall not apply where powers of the board are lawfully exercised by a person competent under subsection (4) of this section to give proper advice.

(7) Without prejudice to section 8 of the Trustee Act, 1925, the advice required by this section shall not include, in the case of a loan on the security of freehold or leasehold property in England and Wales or Northern Ireland or on heritable security in Scotland, advice on the suitability of the particular loan.

8.—(1) In this section—

Revocation
of trust
deeds.

“ the existing trust deeds ” means the deed poll of 1910 and the Wisely Trust Deed;

“ the existing trustees ” in relation to the deed poll of 1910 means the trustees of the existing pension fund and in relation to the Wisely Trust Deed means the trustees of the Wisely Trust Fund.

(2) On the appointed day the existing trust deeds shall be revoked and the Salvation Army Act, 1931, shall cease to have effect in relation to the deed poll of 1910.

(3) Notwithstanding the revocation of the existing trust deeds by this section—

(a) any agreement or transaction made or entered into and any liability incurred by the existing trustees before the appointed day shall to the extent that on that day it remains to be fulfilled, completed or discharged have effect and remain subsisting in the same manner in all respects as if it had in the first place been made, entered into or incurred by the board and shall be enforceable by or against the board, and accordingly any legal proceeding by or against the existing trustees which is pending on the appointed day and any cause of action which is then capable of being prosecuted by or against the existing trustees may be prosecuted by or against the board in the same manner in all respects as it could have been prosecuted by or against the existing trustees if this Act had not been passed;

(b) any gift or disposition (whether testamentary or otherwise) to or for the benefit of the existing trustees whatever the date of such gift or disposition shall to the extent that effect has not been given to it before the appointed day thenceforth take effect in favour of the board;

- (c) the board shall on the appointed day become possessed of and entitled to all things in action, claims and demands whatsoever of or to which the existing trustees were possessed or entitled immediately before the appointed day;
- (d) all books and documents which if this Act had not been passed would have been receivable in evidence for or against the existing trustees shall be receivable in evidence for or against the board;
- (e) everything done, suffered or confirmed by the existing trustees before the appointed day under or by virtue of the existing trust deeds shall be as valid as if this Act had not been passed.

Application
of Act to
Scotland and
Northern
Ireland.

9.—(1) This Act shall have effect in its application to Scotland as if for any reference to “real or personal property” there were substituted a reference to “heritable or movable property” and as if the expression “mortgages” meant bonds and dispositions or assignations in security.

(2) For the purposes of section 6 of the Government of Ireland Act, 1920, this Act shall so far as it relates to matters within the powers of the Parliament of Northern Ireland be deemed to be an Act passed before the appointed day within the meaning of that section.

Costs of Act.

10. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the board out of the pension fund.

SCHEDULES

FIRST SCHEDULE

PART I

PARTICULARS OF ASSETS WHICH ON THE FIRST DAY OF OCTOBER, NINETEEN HUNDRED AND SIXTY-TWO, COMPRISED THE EXISTING PENSION FUND

Property	Interest
A house and premises known as No. 48 Canewdon Road, Westcliff-on-Sea, in the county of Essex	Freehold.
A house and premises known as No. 22 Thistlewaite Road, Lower Clapton, in the county of London	Leasehold.
Securities	Nominal value
	£ s. d.
3½ per cent. Conversion Stock 1961 or after ...	169,107 7 11
3½ per cent. Conversion Stock 1969	22,000 0 0
5¼ per cent. Conversion Stock 1974	11,670 19 1
4½ per cent. Defence Bonds (Conversion Issue) ...	225 0 0
3 per cent. Funding Stock 1959/69	13,467 11 1
3 per cent. Savings Bonds 1960/70	38,193 7 3
3 per cent. Savings Bonds 1965/75	24,799 9 11
2½ per cent. Treasury Stock 1975 or after	33,040 4 2
3 per cent. Treasury Stock 1966 or after	8,854 0 6
3½ per cent. Treasury Stock 1977/80	14,992 15 3
3½ per cent. Treasury Stock 1979/81	7,163 5 11
4 per cent. Victory Bonds 1976	6,050 0 0
British Electricity 3 per cent. Guaranteed Stock 1968/73	7,209 14 3
British Electricity 4½ per cent. Guaranteed Stock 1967/69	9,563 10 5
British Transport 3 per cent. Guaranteed Stock 1978/88	21,242 19 7
British Transport 4 per cent. Guaranteed Stock 1972/77	24,946 7 0
Australia 3 per cent. Registered Stock 1975/77 ...	5,018 10 5
Australia 3¼ per cent. Registered Stock 1965/69 ...	18,273 3 3
Jamaica Government 6¼ per cent. Stock 1978/80 ...	6,000 0 0
The Federation of Rhodesia & Nyasaland 4 per cent. Stock 1972/74	16,065 9 3
The Federation of Rhodesia & Nyasaland 5 per cent. Stock 1975/80	2,027 15 8
Trinidad 4 per cent. Stock 1973/76	6,212 8 8
Johannesburg, City of, 3½ per cent. Inscribed Stock 1958/63	1,751 13 6
Chinese Government Tientsin-Pukow Railway Loan 1908	1,729 0 0
Japan 4 per cent. Sterling Loan 1899 (Assented) ...	2,200 0 0
Japan 4 per cent. Sterling Loan 1910 (Assented) ...	4,650 0 0

1ST SCH.
—cont.

	Securities	Nominal value		
		£	s.	d.
Russian 4 per cent. Consolidated Rail-Road Bonds 1889		988	15	0
Hull Corporation 3 $\frac{3}{4}$ per cent. Redeemable Stock 1973/75		15,000	0	0
London County 5 $\frac{1}{2}$ per cent. Stock 1977/81		5,000	0	0
Walsall Corporation 5 $\frac{1}{4}$ per cent. Redeemable Stock 1967/69		4,500	0	0
Croydon Corporation 5 $\frac{1}{2}$ per cent. Redeemable Stock 1974/77		1,000	0	0
Kent County 5 $\frac{1}{2}$ per cent. Redeemable Stock 1974/78		3,012	15	7
Clyde Charter Company Limited 6 $\frac{1}{8}$ per cent. Secured Loan Stock		1,000	0	0
Pearl Assurance Company Limited Ordinary Stock (5s. Units)		125	0	0
Imperial Continental Gas Association, Capital Stock (£1 Units)		875	0	0
The "Shell" Transport & Trading Company Limited Ordinary Shares of 5s. each		240	0	0
Agricultural Mortgage Corporation 5 $\frac{1}{2}$ per cent. Debenture Stock 1980/85		200	0	0
Steel Company of Wales Limited 5 $\frac{1}{2}$ per cent. First Debenture Stock 1980/85		10,000	0	0
British Insulated Callender's Cables Limited Ordinary Stock (£1 Units)		1,142	0	0
Cerebos Limited, Ordinary Stock (5s. Units) ...		550	0	0
Bovril Limited, Ordinary Shares of £1 each ...		1,050	0	0
Cash		£20,886	5	0

PART II

PARTICULARS OF ASSETS WHICH ON THE FIRST DAY OF OCTOBER, NINETEEN HUNDRED AND SIXTY-TWO, COMPRISED THE WISELY TRUST FUND

	Securities	Nominal value		
		£	s.	d.
3 $\frac{1}{2}$ per cent. War Stock		756	1	2
Bristol Corporation 3 $\frac{1}{2}$ per cent. Perpetual Debenture Stock		2,501	0	0
Nottingham Corporation 3 per cent. Irredeemable Stock		2,000	0	0
City of Moscow 4 $\frac{1}{2}$ per cent Loan (1912) Bonds to Bearer		1,600	0	0

PART III

1ST SCH.
—cont.PARTICULARS OF ASSETS TO BE TRANSFERRED FROM THE GENERAL FUNDS
OF THE SALVATION ARMY

Securities	Nominal value		
	£	s.	d.
3½ per cent. Conversion Stock 1961 or after ...	226,505	17	2
2½ per cent. Treasury Stock 1975 or after ...	69,198	17	9
British Transport 4 per cent. Guaranteed Stock 1972/77	78,325	10	8
3 per cent. Treasury Stock 1966 or after ...	29,162	2	0
3½ per cent. Conversion Stock 1969 ...	52,000	0	0
Trinidad 4 per cent. Stock 1973/76 ...	11,615	13	9
Cash ...	£101,109	3	4

SECOND SCHEDULE

APPOINTMENT, CONSTITUTION AND ADMINISTRATION OF THE
BOARD

1. Subject as hereinafter provided the board shall consist of—

(a) five ex officio members being—

- (i) the general who shall be the chairman;
- (ii) the chief of the staff of the Salvation Army, who shall be the vice-chairman;
- (iii) the chancellor of the exchequer of the Salvation Army;
- (iv) the British commissioner of the Salvation Army;
- (v) the leader of the Women's Social Work of the Salvation Army in Great Britain:

(b) three other staff officers (hereinafter in this schedule referred to as "appointed members") of the Salvation Army.

2.—(1) Major Owen Culshaw, Arthur John William Pallant and Arthur Eugene Carr shall be the first appointed members and they shall hold office for five years and then retire.

(2) Subsequent appointments of appointed members shall be made by the board and their term of office shall be such period (not exceeding five years) as may be determined by the board in each particular case.

(3) An appointed member shall vacate his office—

- (a) on ceasing to be a staff officer;
- (b) on ceasing to be in full-time service as an officer with any of the Salvation Army undertakings;

2ND SCH.
—cont.

- (c) on attaining the age which under the rules is to be treated as normal retiring age;
- (d) on tendering his resignation as a member of the board;
- (e) on appointment to an office as the holder of which he becomes an ex officio member of the board; or
- (f) on appointment to an office which requires residence outside the home territory.

(4) A casual vacancy in the appointed members may be filled by the board and the staff officer appointed to fill the vacancy shall hold office until the date on which his predecessor was due to retire.

(5) A staff officer ceasing to be an appointed member by reason of the expiration of his period of office shall be eligible for reappointment.

3. The board may make such alterations in the number of ex officio members and in the offices which qualify the holders to be ex officio members as may be expedient in view of any change of circumstances since the passing of this Act or the last occasion on which an alteration was made under this paragraph, as the case may be.

4. (a) The board may appoint such committees composed of members of the board for any such general or special purpose as in the opinion of the board would be better regulated and managed by means of a committee and may delegate to any such committee so appointed with or without restrictions as they think fit any functions of the board.

(b) A committee of the board shall have power to co-opt including a power to co-opt persons who are not members of the Salvation Army.

5. The powers of the board and any committee of the board may be exercised notwithstanding any vacancy and no proceedings of the board or of any committee of the board shall be invalidated by any defect in the appointment of a member of the board.

6. The chairman when present shall preside at meetings of the board; in his absence the vice-chairman when present shall preside and in the absence of both the chairman and vice-chairman the members present shall appoint one of their number to be chairman of the meeting.

7. Except where this Act otherwise requires questions arising at a meeting of the board shall be decided by a majority of votes. In case of equality the chairman of the meeting shall have a casting vote.

8. The quorum at meetings of the board shall be five, or such other number as the board may determine.

9. The board shall (subject to the provisions of this Act) have full power to regulate the proceedings of the board and any committee thereof and the conduct of the business thereof respectively in such manner as they think proper and may from time to time make, alter and revoke byelaws in this behalf.

10.—(1) The board shall have power to appoint a secretary who shall be an officer and such other staff as they may determine.

(2) The board shall have power—

2ND SCH.
—cont.

- (a) to pay to the members of the board and of any committee thereof such travelling and subsistence allowances while attending meetings of the board or any committee of the board or while on any other business of the board as the board may determine;
- (b) to pay to members of their staff such remuneration as the board may determine;
- (c) as regards any members of their staff (not being officers) in whose case they may determine to do so—
 - (i) to pay to, or in respect of, them such pensions and gratuities as the board may determine; and
 - (ii) to provide and maintain for them such superannuation schemes (whether contributory or not) as the board may determine; or
 - (iii) to enter into and carry into effect agreements with any insurance company or other association or company for securing to any such member of their staff or his widow, family or dependant such gratuities or pensions as are by this paragraph authorised to be paid.

11. The board shall provide for the safe custody of their common seal and the seal shall only be used by the authority of the board or of a committee of the board authorised by the board in that behalf and every instrument to which the seal shall be affixed shall be signed by a member of the board and shall be counter-signed by a second member of the board or by some other person appointed by the board for the purpose.

12.—(1) The board shall keep proper accounts of all sums received or paid by them and proper records in relation to those accounts and the accounts for each financial year of the pension fund shall be audited by an auditor or auditors appointed by the board.

No person shall be qualified to be appointed auditor under this paragraph unless he is a member of one or more of the following bodies:—

- the Institute of Chartered Accountants in England and Wales;
- the Institute of Chartered Accountants of Scotland;
- the Association of Certified and Corporate Accountants;
- the Institute of Chartered Accountants in Ireland;
- any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948, by the Board of Trade.

(2) (a) The board shall cause to be made out annually a balance sheet of the pension fund, a capital account and a statement of income and expenditure made up to the end of the financial year of the fund.

(b) The audited accounts of the pension fund shall at all reasonable times be open to inspection and transcription without payment by any interested person.

THIRD SCHEDULE

FIRST RULES OF THE PENSION FUND

Preliminary

1. In these rules unless the subject or context otherwise requires—
- “active service” means full-time service as an officer and includes service with an associated charity or an associated company;
- “the actuary” means the actuary for the time being holding office under rule 14;
- “normal retiring age” means—
- (a) for the general the age of seventy years;
 - (b) for male commissioners the age of seventy years;
 - (c) for female commissioners and for males of the rank of lieutenant-commissioner and below the age of sixty-five years; and
 - (d) for females of the rank of lieutenant-commissioner and below the age of sixty years;
- “overseas” means outside the home territory;
- “relevant basic allowance” means in relation to a retired officer the weekly basic maintenance allowance (excluding all bonuses and special allowances) for the time being paid to an officer on active service in the home territory who—
- (a) is of the same sex and, if male, is of the same status (that is to say single, married or a widower);
 - (b) is of the same or equivalent rank; and
 - (c) has the same number of completed years of active service;
- and for the purpose of calculating any instalment of a pension payable under these rules the relevant basic allowance shall be the amount of the allowance in payment on the date when the instalment is paid :
- “a retired officer” means an officer who has ceased to be on active service and “retirement” shall be construed accordingly.

Commencement

2. The pension fund shall come into operation on the appointed day.

Eligibility for pension

3. Except as otherwise expressly provided by these rules the following officers shall be eligible to receive pensions and benefits under and in accordance with these rules:—
- (a) every officer who was immediately before the appointed day in receipt of a pension from the existing pension fund or of a retirement allowance from any of the Salvation Army undertakings;
 - (b) any retired general of the Salvation Army;
 - (c) the widow of any general of the Salvation Army (whether he died before or after retirement from active service):

- (d) every retired officer who was immediately before retirement on active service in the home territory:
- (e) every retired officer who was immediately before retirement on active service overseas but who—
- (i) was commissioned in the home territory;
 - (ii) has at some time served on active service in the home territory; and
 - (iii) by notice in writing to the board signifies his decision to reside in the home territory in his retirement: and
- (f) any other retired officer who has at some time served on active service in the home territory and concerning whom the board have determined that there are special circumstances which justify the award of a pension from the pension fund.

3RD SCH.
—cont.

Existing pensions and retirement allowances

4.—(1) An officer who was immediately before the appointed day in receipt of a pension from the existing pension fund will be eligible to receive thereafter a pension of the same amount from the pension fund.

(2) An officer who was immediately before the appointed day in receipt of a retirement allowance from any of the Salvation Army undertakings will be eligible to receive thereafter from the pension fund a pension of the same amount as such retirement allowance or of the amount which would have been payable under these rules had he been on active service in the home territory immediately before the appointed day and retired on that day having completed the number of years of active service that had accrued at the date of his actual retirement (whichever is the greater amount).

Pensions of a general and his widow

5.—(1) A general of the Salvation Army will be eligible to receive a pension of such amount and on such terms and conditions as the board shall determine.

(2) From and after the death of any general of the Salvation Army his widow will be eligible to receive a pension of such amount and on such terms and conditions as the board shall determine.

(3) The amount of any pension in payment under this rule may from time to time be altered by the board.

(4) Notwithstanding anything therein contained rules 6, 7, 8 and 9 shall not apply to any general of the Salvation Army or to his widow.

Normal retirement

6.—(1) Subject to the provisions of rule 3 an officer who has—

- (a) being male completed thirty years' active service; or
- (b) being female completed twenty-five years' active service;

and retires from active service on attaining normal retiring age will be eligible to receive a pension equal in amount to half the relevant basic allowance.

3RD SCH.
—cont.

(2) Subject to the provisions of rule 3 an officer who has completed fifteen years' active service but has not completed in the case of a male officer thirty years' active service and in the case of a female officer twenty-five years' active service and who retires from active service on attaining normal retiring age will be eligible to receive a pension equal in amount—

- (i) in the case of a male officer to one-sixtieth of the relevant basic allowance multiplied by the number of completed years of active service; and
- (ii) in the case of a female officer to one-fiftieth of the relevant basic allowance multiplied by the number of completed years of active service.

Early retirement

7.—(1) Subject to the provisions of rule 3 an officer who is retired under the regulations before attaining normal retiring age on the grounds that he is by reason of ill-health or infirmity of mind or body incapable and likely to remain incapable of performing his duties and has completed fifteen years' active service will be eligible to receive a pension equal in amount—

- (a) in the case of a male officer to one-sixtieth of the relevant basic allowance multiplied by the number of completed years of active service (up to a maximum of thirty years); and
- (b) in the case of a female officer to one-fiftieth of the relevant basic allowance multiplied by the number of completed years of active service (up to a maximum of twenty-five years).

(2) An officer shall not be eligible to receive a pension under the foregoing paragraph unless he has, if so required, submitted himself to an examination by one or more medical practitioners nominated by the board and has been certified by the board as being eligible to receive such a pension and an officer aggrieved by the refusal of the board to certify him as eligible may by complaint in writing to the board require his case to be reviewed by a court of reference consisting of five officers to be appointed by the chief of the staff. Such a court of reference shall have full powers of review and its decision shall be final and binding on both parties. The board shall, if so directed by such court, give a certificate under this paragraph in respect of such officer.

(3) Subject to the provisions of rule 3 an officer who (although not eligible for a pension under paragraph (1) of this rule) is retired under the regulations within a period of ten years before attaining normal retiring age as being unsuited to further active service and has—

- (a) being male completed thirty years' active service; or
- (b) being female completed twenty-five years' active service;

will be eligible to receive a pension equal in amount to one-half of the relevant basic allowance less—

- (i) in the case of a male officer one-eightieth; and
- (ii) in the case of a female officer one-seventieth;

of the relevant basic allowance for each complete year which on retirement remains to elapse between the date of retirement and the date on which normal retiring age would be attained.

*Married female officers and widows*3RD SCH.
—cont.

8.—(1) Where under the regulations a female officer who has not attained normal retiring age retires from active service at the same time as her husband and she survives her husband then if she does not resume active service she will nevertheless be eligible to receive a pension and for that purpose rule 6 shall apply as if she attained normal retiring age on the date on which she retired from active service.

(2) (a) If a female officer whose husband dies while he is on active service retires from active service before attaining normal retiring age because her circumstances preclude her from active service, she will be eligible to receive a pension equal in amount to one-fiftieth of the relevant basic allowance multiplied by the number of her completed years of active service (up to a maximum of twenty-five years).

(b) Notwithstanding sub-paragraph (a) of this paragraph no pension will be paid under that paragraph unless and until the board has—

- (i) certified that the officer is by reason of her circumstances precluded from active service; and, where applicable,
- (ii) directed the attention of the officer to any other rule under which she is then eligible to receive a pension of a greater amount and has obtained her authority to have her case dealt with under this rule.

(c) Any officer aggrieved by the failure of the board to give her a certificate under this paragraph may by complaint in writing to the board require her case to be reviewed by a court of reference and the provisions of rule 7 (2) shall then apply mutatis mutandis.

(3) Where the widow of an officer has been in receipt of or is eligible to receive a pension under this rule and resumes active service, no pension will be payable from the date of her resumption of active service until the date of her retirement and no period during which the pension is in payment shall be treated as active service, but on retirement her eligibility to receive a pension shall be determined by aggregating the number of completed years of her active service before the death of her husband with those completed after she has resumed active service.

(4) A female officer will not be eligible in her own right to receive a pension or other benefit under these rules while her husband is alive.

Late retirement

9. An officer who continues in active service after attaining normal retiring age will be eligible on retirement to receive a pension of the same amount as he would have received had he retired on attaining normal retiring age but will not be eligible to receive any increase of pension in respect of his active service after attaining normal retiring age.

Children's allowance

10.—(1) An officer in receipt of a pension under these rules will be eligible in respect of any dependent child or stepchild of his who is under the age of sixteen years or who being under the age of eighteen years is in receipt of full-time instruction at any university, college,

3RD SCH
—cont.

school or other educational establishment to receive a weekly allowance of the same amount as that made to an officer on active service in respect of a dependent child or stepchild.

(2) An allowance paid under this rule shall cease on the last day of the month in which the dependent child or stepchild attains the age of sixteen years or, if after that day he is in receipt of full-time instruction, on the last day of the month in which he attains the age of eighteen years or in which he ceases to receive such instruction (whichever first occurs).

Furniture grants

11. On the occasion of an officer's retirement from active service the board may make him a grant of money towards the provision of furniture in accordance with such scale as the board may fix from time to time.

Calculation of active service

12. In calculating the number of years of active service completed by an officer—

- (a) active service shall be deemed to begin on the first day of the month in which the officer was commissioned as an officer and to end on the last day of the month in which he attains normal retiring age or his active service ceases (whichever is the earlier);
- (b) periods during which an officer has leave of absence shall be deducted;
- (c) all periods for which an officer is absent from duty through ill-health shall be aggregated and the excess (if any) of the aggregate over twelve months shall be deducted;
- (d) if the total period of active service calculated as aforesaid includes a part of a year, such part, if less than six months, shall be disregarded and if six months or more shall be treated as a complete year of active service.

Payment of pensions and benefits

13.—(1) A pension will commence on the first day of the month in which an officer retires from active service, or, in the case of a female officer who does not resume active service after the death of her husband, on the first day of the month next following that in which he dies, and will terminate on the last day of the month in which the officer dies.

(2) A pension or a child's allowance will be payable by monthly instalments in advance each such instalment being calculated on the basis that the aggregate of the relevant basic allowances or child's

allowances (as the case may be) paid in a month is an amount equal to the relevant basic allowance or child's allowance (as the case may be) multiplied by fifty-two and divided by twelve.

3RD SCH
—cont.

(3) A pension payable under these rules may be commuted by means of a lump sum payable by the board to such person and on such terms and conditions as may be determined by the board.

(4) Payment of a pension or other benefit under these rules is conditional upon an officer conducting himself conformably with such of the regulations as are applicable to retired officers.

(5) No pension or other benefit under these rules is capable of assignment and no purported assignment of any pension or benefit under these rules will be recognised by the board.

(6) Payment of a pension or other benefit under these rules will be suspended immediately if the person in receipt thereof becomes bankrupt and in that event the pension or benefit shall be applied by the board in their absolute discretion for the benefit of the person theretofore in receipt of such pension or benefit, his wife and his children or other dependants or any one or more of such persons.

(7) Before any instalment of pension or other benefit is paid the board shall be entitled to be furnished with such evidence as they shall require as to the identity of the prospective payee and of the continued existence of the person in respect of whom the payment is to be made.

(8) A person who becomes eligible under these rules for a pension or other benefit shall furnish the board with his postal address and shall notify them at once of any change of address.

Actuary

14.—(1) The board shall from time to time appoint to be actuary to the pension fund an actuary being a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland.

(2) The actuary shall not later than three months after the appointed day submit to the board a certificate (hereinafter called "the initial certificate") of the amount (if any) which was required to make the pension fund actuarially solvent on the appointed day. In calculating the amount so required the actuary shall take into account the value of the assets specified in Parts I and II of the First Schedule to this Act but shall disregard the value of those specified in Part III of the said schedule.

(3) The actuary shall also submit to the board at such times as the board shall require but in any event at intervals of not more than five years from and after the appointed day an actuarial valuation and a report upon the assets and liabilities of the pension fund and every such report shall include a certificate of the additional amount (if any) required to restore the actuarial solvency of the pension fund as at the date of valuation.

3RD SCH.
—cont.

Contributions

15.—(1) The Salvation Army undertakings shall pay to the board the amount specified in the initial certificate by such annual instalments (not exceeding forty) as the board shall within nine months after the appointed day determine and—

(a) the first instalment shall be paid on the first anniversary of the appointed day; and

(b) the board shall upon determining the number and respective amounts of the said instalments notify the actuary thereof.

(2) The Salvation Army undertakings shall also pay to the board with each instalment paid under paragraph (1) of this rule such additional sum as the actuary shall prior to the due date for payment of such instalment certify to be the appropriate portion of the addition to the sum specified in the initial certificate rendered necessary by the method of payment by instalments adopted under paragraph (1) of this rule.

(3) (a) The amount which each of the Salvation Army undertakings shall bear of any sum payable to the board under this rule shall be such an amount as may be certified by the actuary to be appropriate for that undertaking to pay having regard to all relevant factors.

(b) For the purpose of calculating the contribution required to be made from the general funds of the Salvation Army under paragraph (1) of this rule the Salvation Army shall be credited with the value of the assets specified in Part III of the First Schedule to this Act which in pursuance of subsection (1) of section 5 (Transfers to board) of this Act are on the appointed day to be transferred to the pension fund.

16.—(1) Subject to rule 17 the Salvation Army undertakings shall in respect of each financial year of the pension fund pay to the board as an ordinary annual contribution such amount as the actuary shall certify to be required by way of ordinary annual contribution in order to make proper actuarial provision in respect of that financial year for the pensions and other benefits for which these rules provide.

(2) The amount which each of the Salvation Army undertakings shall bear of each ordinary annual contribution shall (unless otherwise agreed between the board and the Salvation Army undertakings) be such an amount as may be certified by the actuary to be appropriate for that undertaking to pay having regard to all relevant factors.

(3) Each ordinary annual contribution shall be paid to the board at such time or times and by such (if any) instalments within the relevant financial year of the pension fund as the board and the Salvation Army undertakings shall agree.

17 —(1) If in the opinion of the general the funds available in any year for fulfilling the obligations of the Salvation Army undertakings

under rule 16 are insufficient or the required amount cannot be paid without seriously affecting the ability of the Salvation Army undertakings or some one or more of them to meet their other financial commitments the general may by notice in writing to the board suspend or reduce the obligation of the Salvation Army undertakings under the said rule either for such period as he may specify or without limitation as to period.

3RD SCH.
—cont.

(2) Upon receipt of any notice given under paragraph (1) of this rule the board shall with all reasonable dispatch and under the advice of the actuary take such (if any) consequential action as they consider appropriate to prevent a deficiency arising whether by restricting eligibility for pensions, reducing or suspending the future accrual of pensions, or howsoever otherwise as they may think fit.

Surplus and deficiency

18.—(1) If on any valuation by the actuary under paragraph (3) of rule 14 a surplus is disclosed which the actuary shall certify not to be required for the purposes of the pension fund, the board shall as soon as may be and having regard to the advice of the actuary apply such surplus in any one or more of the following ways:—

- (a) by a transfer to the reserve fund to meet any subsequent loss or deficiency;
- (b) by increasing some or all of the pensions payable under these rules;
- (c) by reducing the contributions which under these rules are required to be made by the Salvation Army undertakings.

(2) If on any valuation by the actuary under paragraph (3) of rule 14 it appears that there is or is likely to be a deficiency in the pension fund, and the Salvation Army undertakings have within three months of being notified of the deficiency failed to provide to the satisfaction of the board for such additional contribution as will make good the deficiency, the board shall (unless the actuary in his report upon such valuation recommends that no remedial action be taken pending the next actuarial valuation or at all) as soon as may be and having regard to the advice of the actuary take such steps as they think fit to meet the deficiency.

(3) The powers and duties of the board under the foregoing provisions of this rule shall not be prejudiced or affected by the provisions of any other rule.

Dissolution

19.—(1) The general may—

- (a) at any time serve notice in writing on the board certifying that in his opinion the pension fund is no longer required for the purposes of the Salvation Army undertakings or any of them and requiring the board to consider and, if thought fit, to pass a resolution for the dissolution of the pension fund

3RD SCH.
—cont.

as from such date not being earlier than three months after the date of the notice as may be specified therein (hereinafter called "the specified date"); and

(b) in such notice nominate a charity to receive any surplus funds.

A notice under this paragraph may be withdrawn at any time prior to the passing by the board of a resolution for the dissolution of the pension fund pursuant thereto.

(2) The board shall upon receipt of any notice given under paragraph (1) of this rule within one month meet to consider the recommendation therein and to decide whether or not the pension fund should be dissolved on the specified date.

(3) If (but only if) the board shall in response to a notice given under paragraph (1) of this rule by a resolution of the board passed unanimously at a meeting of the board held pursuant to paragraph (2) of this rule at which not less than three-fourths of the members of the board including the chairman or vice-chairman are present resolve that the pension fund be dissolved on the specified date then—

(a) the pension fund shall upon the specified date be wound up in accordance with the following provisions of this paragraph:—

(i) all liability of the Salvation Army undertakings or any of them to make contributions under these rules shall cease; and

(ii) the accrual of pensions and other benefits under these rules shall also cease;

(b) the assets of the pension fund shall be applied by the board—

First in discharging the debts and expenses of the pension fund;

Secondly in the purchase of non-commutable, non-transferable annuities for the future payment in full (or pro tanto and rateably if the assets are not sufficient) of all pensions in payment out of the pension fund on the specified date;

Thirdly by providing for every officer on active service in the home territory a non-commutable, non-transferable deferred annuity (payable at such age as the board shall determine) of such amount as the actuary shall certify to be appropriate having regard to the prospective benefits accrued in respect of the officer under these rules, but if the available assets of the pension fund are insufficient to provide for all such amounts in full they shall abate rateably; and

Fourthly in repaying to the Salvation Army undertakings such amounts as may be certified by the actuary to represent the balance of that part of the remaining assets of the pension fund properly returnable to each such undertaking, but if the available assets of the pension fund are insufficient to provide for all such amounts they shall abate rateably;

(c) the board shall pay or transfer the remaining assets of the pension fund, constituting the surplus funds, to such (if any) charity as has been nominated by the general in his notice recommending dissolution, and in default of such nomination, then to such charity as the board may select.

3RD SCH.
—cont.

(4) Notwithstanding the provisions of the last foregoing paragraph the board may substitute a lump sum cash payment for any annuity which is thereby directed to be purchased or provided but would be of a trivial amount.

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Table of Statutes referred to in this Act

Short title	Session and chapter
Government of Ireland Act, 1920 ..	10 & 11 Geo. 5 c. 67.
Trustee Act, 1925	15 & 16 Geo. 5 c. 19.
Salvation Army Act, 1931	21 & 22 Geo. 5 c. xciv.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Exchange Control Act, 1947	10 & 11 Geo. 6 c. 14.
Companies Act, 1948	11 & 12 Geo. 6 c. 38.

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Killingholme Jetty Act 1963

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Salvation Army Act 1963

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