

ELIZABETH II



1965 CHAPTER XLIV

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Clyde Navigation (Superannuation).

[22nd December 1965]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore 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:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation  
of Order in  
schedule.
2. This Act may be cited as the Clyde Navigation (Super-annuation) Order Confirmation Act 1965. Short title.

## SCHEDULE

### CLYDE NAVIGATION (SUPERANNUATION)

*Provisional Order to amend the provisions of the Clyde Navigation (Superannuation) Order, 1908, the Clyde Navigation Act, 1929, the Clyde Navigation (Superannuation) Order, 1949, the Clyde Navigation (Superannuation) Order, 1955, and the Clyde Navigation Order, 1964, relating to the superannuation fund for the officers and servants of the Trustees of the Clyde Navigation and for other purposes.*

1858 c. cxlix. Whereas the Trustees of the Clyde Navigation (hereinafter called "the Trustees") were incorporated by the Clyde Navigation Consolidation Act, 1858, and powers have been conferred upon them by the Clyde Navigation Acts, 1858 to 1964:

And whereas by the Clyde Navigation (Superannuation) Order, 1908, the Trustees were authorised to establish a superannuation fund for their officers and servants and the superannuation fund rules are contained in the schedule to the said Order:

1929 c. xx. And whereas by the Clyde Navigation Act, 1929, the Clyde Navigation (Superannuation) Order, 1949, the Clyde Navigation (Superannuation) Order, 1955, and the Clyde Navigation Order, 1964, certain alterations and additions were made to the said rules:

And whereas it is expedient that the said rules should be amended so as to secure benefits to widows and orphan children:

1936 c. 52. And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act, 1936:

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

Short title and citation of Acts. 1.—(1) This Order may be cited as the Clyde Navigation (Superannuation) Order 1965.

(2) This Order shall be included among the enactments which may be cited together as the Clyde Navigation Acts, 1858 to 1965.

Amendment of rules. 2. On the date when this Order is confirmed by Parliament the following alterations and additions shall be made to the Superannuation Fund Rules set forth in the schedule to the Clyde Navigation (Superannuation) Order, 1908, as amended by the Clyde Navigation Act, 1929, the Clyde Navigation (Superannuation) Order, 1949, the Clyde Navigation (Superannuation) Order, 1955, and the Clyde Navigation Order, 1964, and such alterations and additions shall have effect on and after that date, namely:—

(a) In rule 1—

(i) in the definition "Pension Fund" the words "and the Clyde Navigation (Superannuation) Order, 1955" shall

be omitted and in lieu thereof there shall be inserted " the Clyde Navigation (Superannuation) Order, 1955, the Clyde Navigation Order, 1964, and the Clyde Navigation (Superannuation) Order 1965 ";

(ii) after the definition of " Financial year " the following definition shall be inserted:—

" Electing member " means a male member exercising the option to contribute to the Pension Fund under rule 7D ;

(b) In rule 3—

(i) after the words " subject to rule 19 " the words " and apart from any contribution due under rule 7D " shall be inserted;

(ii) in paragraph (2) after the word " respectively " the words " or in the case of an electing member eight-elevenths and three-elevenths respectively " shall be inserted;

(c) In rule 4—

(i) after the words " subject to rule 19 " where they occur for the second time there shall be inserted the words " and except in the case of electing members ";

(ii) after the words " by the Trustees of four per cent. " there shall be inserted " under this rule or, in the case of electing members, of five and one-half per cent. ";

(d) In rule 7 (1) after the words " retiring shall " there shall be inserted " subject to rule 7D ";

(e) In rule 7B before the words " A member " where they first occur there shall be inserted " Subject to rule 7D ";

(f) After rule 7C the following new rule shall be inserted:—

" 7D (1) As from the date when this rule comes into operation every male member shall have the option exercisable by notice in writing to the Trustees within three months of the said date or of becoming a member to contribute to the Pension Fund to secure the widow's and children's benefits payable under this rule:

Provided that every new male member entering the scheme after a date which may be determined by the Trustees shall be held to have exercised the said option on entry and to be an electing member.

(2) An electing member, in addition to the contributions which he is required to pay to the Pension Fund under rule 3 and, when applicable, rule 5A shall—

(a) in the case of a member at the date when this rule comes into operation, from the first day of the month next following that date;

(b) in the case of a person subsequently becoming a member and exercising the option or being held to have exercised the option, from the first day of the month next following the date when he became a member;



make a contribution to the Pension Fund of one and a half per cent. of his salary or wage (excluding overtime earnings) which shall be deducted by the Trustees when the salary or wage is paid.

(3) The Trustees shall, subject to rule 19 and in addition to the contribution payable by them under rule 5A, on the thirtieth day of June and the thirty-first day of December in each year after the date when this rule comes into operation contribute out of the revenues of their undertaking in respect of electing members—

- (a) to the Pension Fund a sum equal to four per cent.; and
- (b) to the Lump Sum Fund a sum equal to one and a half per cent.;

of the salaries and wages (excluding overtime earnings) paid during the preceding half-year to electing members.

(4) The application of the rules to an electing member shall be subject to the following amendments:—

- (i) the proportion of the average amount referred to in rule 7 (1) (b) shall in the case of such member who was married at any time during the period he so contributed or who was a widower with a child or children under the age of nineteen years at the date when he first commenced so to contribute, be reduced from 1/320th to 1/480th and the amount of the lump sum payment shall not exceed the said average amount;
- (ii) the option under rule 7 (2) shall cease to be exercisable;
- (iii) the option under rule 7B shall only be exercisable when the electing member is a bachelor or a widower and then only in relation to a dependant approved by the Trustees.

(5) The benefits payable under this rule shall be—

- (a) to the widow, if any, a widow's allowance equal to one-half of the superannuation allowance (before any reduction is made under rule 22A)—
  - (i) of which the former member was in receipt at the time of his death; or
  - (ii) to which a member dying before his retirement or resignation would have been entitled had he retired on the day preceding his death;

and the widow's allowance shall be payable during the remainder of the life of the widow or until her remarriage but shall not be payable during any period during which she is cohabiting with a man as his wife:

Provided that—

(i) a widow's allowance shall not be payable under sub-paragraph (a) (i) of this paragraph if the marriage took place on, or after, the date on which the former member retired, nor shall a widow's allowance be payable under sub-paragraphs (a) (i) or (a) (ii) of this paragraph if the former member was at the date of his death judicially separated from his wife on terms which did not require him to contribute to her support;

(ii) where, in a case falling within sub-paragraph (a) (i) of this paragraph, the former member dies within the period of five years referred to in rule 13A the widow, or in the event of her death within the said period, the person next entitled under the said rule shall, until the expiration of the period of five years, be paid the superannuation allowance formerly payable to the former member and, where the widow survives the said period, the widow's allowance under this rule shall be payable to the widow, subject to and in accordance with this rule, from the expiration of the said period;

(b) to each orphan child of a former member a sum at the rate of £100 per annum payable from the date of the death of the former member or of the widow, whichever is the later, until the child's sixteenth birthday, and at the discretion of the Trustees thereafter up to the child's nineteenth birthday if the child is in receipt of full-time education:

Provided that—

(i) no sum shall be payable under this sub-paragraph in respect of any child of a marriage which took place on or after the date on which the former member retired or in respect of a child of a wife whose marriage to the former member took place on or after the said date or of any child legally adopted by the former member after the said date;

(ii) the total amount payable under this sub-paragraph in any year shall not be more than the amount of the widow's allowance payable to the widow or which would have been payable had she survived the former member;

(iii) the sums payable under this sub-paragraph shall be paid at the discretion of the trustees to the child's guardian or to any person with whom the child resides or who has control of the child.”;

- (g) In rule 13 after the words “ amount of his own contributions ” there shall be inserted “ excluding in the case of an electing member the amount of his contributions under rule 7D (2) ”;
- (h) In rule 19—
- (i) after the words “ a total of four per cent. each ” there shall be inserted “ or in the case of electing members five and one-half per cent. each ”;
- (ii) after the words “ one-half per cent. each ” there shall be inserted “ or in the case of electing members four per cent. each ”.

Costs of Order. 3. All costs, charges and expenses of and incidental to preparing for, obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees out of the revenues of their undertaking.

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# Clyde Navigation (Superannuation) Order Confirmation Act 1965

## CHAPTER xliv

### ARRANGEMENT OF SECTIONS

#### Section

1. Confirmation of Order in schedule.
2. Short title.

### SCHEDULE

#### CLYDE NAVIGATION (SUPERANNUATION)

1. Short title and citation of Acts.
2. Amendment of rules.
3. Costs of Order.