

## CIVIL AVIATION

### AIRWAYS CORPORATIONS

1956 No. 305

### The Airways Corporations (General Staff Pensions) (Amendment) Regulations, 1956

*Made* - - - - - 1st March, 1956  
*Coming into Operation* 12th March, 1956

The Minister of Transport and Civil Aviation in exercise of his powers under section 21 of the Air Corporations Act, 1949(a), and of all other powers him enabling in that behalf hereby makes the following Regulations:—

1.—(1) The Joint Pension Scheme established and maintained by virtue of the Airways Corporations (General Staff Pensions) Regulations, 1948(b), as amended(c),(d),(e),(f), in accordance with the provisions of the Trust Deed, a copy of which is set out in the Schedule to those Regulations, shall be in accordance with the provisions of that Trust Deed, as amended by Deeds, copies of which are set out in the Schedules to the Airways Corporations (General Staff Pensions) Regulations, 1950(c), the Airways Corporations (Pilots Pensions) Regulations, 1951(d), the Airways Corporations (General Staff Pensions) (Amendment) Regulations, 1953(e) and the Airways Corporations (Radio, Navigating and Engineer Officers Pensions) Regulations, 1953(f) and as further amended by a Deed dated the thirteenth day of February, 1956, a copy of which is set out in the Schedule to these Regulations.

(2) The said Deed dated the thirteenth day of February, 1956, is accordingly confirmed and shall come into operation on the twelfth day of March, 1956.

2.—(1) These Regulations shall come into operation on the twelfth day of March, 1956, and may be cited as the Airways Corporations (General Staff Pensions) (Amendment) Regulations, 1956.

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

Given under the Official Seal of the Minister of Transport and Civil Aviation this first day of March, 1956.

(L.S.)

*Harold Watkinson,*  
The Minister of Transport  
and Civil Aviation.

#### SCHEDULE

THIS DEED is made the thirteenth day of February One thousand nine hundred and fifty-six BETWEEN BRITISH OVERSEAS AIRWAYS CORPORATION whose principal office is situate at London Airport Hounslow in the County of Middlesex and BRITISH EUROPEAN AIRWAYS CORPORATION whose principal office is situate at Keyline House Northolt in the County of Middlesex (hereinafter called "the Corporations") of the first part BERNARD GEORGE

- (a) 12, 13 & 14 Geo. 6. c. 91. (b) S.I. 1948/2361 (Rev. I, p. 1275 : 1948 I, p. 437).  
(c) S.I. 1950/2056 (1950 I, p. 341). (d) S.I. 1951/527 (1951 I, p. 243).  
(e) S.I. 1953/611 (1953 I, p. 227). (f) S.I. 1953/1296 (1953 I, p. 231).  
(g) 52 & 53 Vict. c. 63.

PORTER JOHN WILLIAM HAWKINS CHARLES GEORGE KLIMCKE  
 JAMES MILLER EDWARD ALBERT NEWMAN CHARLES EDWARD  
 PHILLIPS GEORGE HUGH RECKNELL HARRY WILLIAM SHAW  
 HAROLD CUMMING SPEAR JOHN CHARLES WILLIAM SPRINGBETT  
 ROBERT WATSON RANKIN LORIMER WEIR The Management Trustees  
 for the time being of The Airways Corporations Joint Pension Scheme (herein-  
 after called "the Management Trustees") of the second part and AIRWAYS  
 CORPORATIONS JOINT PENSION FUND TRUSTEES LIMITED (herein-  
 after called "the Custodian Trustees" which expression shall include the Custodian  
 Trustees for the time being) of the third part and is SUPPLEMENTAL (a) to a  
 Deed (hereinafter called "the 1948 Deed") dated the eighth day of October  
 One thousand nine hundred and forty-eight between British Overseas Airways  
 Corporation British European Airways Corporation and British South American  
 Airways Corporation of the first part and Grahame Temple Meller and others  
 of the second part and the Custodian Trustees of the third part which Deed  
 was confirmed by the Minister of Civil Aviation pursuant to Section 20 of the  
 Civil Aviation Act 1946 by Regulations made the twenty-fifth day of October  
 One thousand nine hundred and forty-eight (b) to a Deed (hereinafter called  
 "the 1950 Deed") made the thirteenth day of September One thousand nine  
 hundred and fifty between the Corporations of the first part John Edward Valentine  
 Tyzack and others of the second part and the Custodian Trustees of the third  
 part which Deed was confirmed by the Minister of Civil Aviation pursuant to  
 Section 21 of The Air Corporations Act 1949 by Regulations made the eleventh  
 day of December One thousand nine hundred and fifty (c) to a Deed (herein-  
 after called "the 1951 Deed") made the sixteenth day of February One thousand  
 nine hundred and fifty-one between the Corporations of the first part and John  
 Edward Valentine Tyzack and others of the second part and the Custodian  
 Trustees of the third part which Deed was confirmed by the Minister of Civil  
 Aviation pursuant to Section 21 of the Air Corporations Act 1949 by Regulations  
 made the twenty-seventh day of March One thousand nine hundred and fifty-one  
 and (d) to a Deed (hereinafter called "the March 1953 Deed") made the twenty-  
 fourth day of March One thousand nine hundred and fifty-three between the  
 Corporations of the first part and the Right Honourable Lord Kershaw and  
 others of the second part and the Custodian Trustees of the third part which  
 Deed was confirmed by the Minister of Civil Aviation pursuant to Section 21 of  
 the Air Corporations Act 1949 by Regulations made the thirty-first day of March  
 One thousand nine hundred and fifty-three and (e) to a Deed (hereinafter called  
 "the August 1953 Deed") made the seventh day of August One thousand nine  
 hundred and fifty-three between the Corporations of the first part and the  
 Right Honourable Lord Kershaw and others of the Second part and the Custodian  
 Trustees of the third part which Deed was confirmed by the Minister of Civil  
 Aviation pursuant to Section 21 of the Air Corporations Act 1949 by Regulations  
 made the nineteenth day of August One thousand nine hundred and fifty-three

**WHEREAS:**

1. The parties hereto are desirous of further amending certain provisions of the 1948 Deed (as amended by the 1950 Deed and the March 1953 Deed) in the manner hereinafter appearing

2. By a Resolution of the Management Trustees dated the sixth day of October One thousand nine hundred and fifty-five the said Rankin Lorimer Weir and the said John William Hawkins were appointed to execute this Deed in accordance with the provisions of Clause 18 of the 1948 Deed

**NOW IT IS HEREBY AGREED AND DECLARED** by and between the parties hereto as follows:—

1. SUB-PARAGRAPH (vii) of clause 6 (a) of the 1948 Deed shall be amended by substituting therefor the following sub-paragraph:—

"(vii) The stocks shares and securities (other than debentures and debenture stock bonds or other obligations) of any Board Authority or Company incorporated in the United Kingdom which shall in respect of each of the ten financial years immediately preceding the date of a proposed investment have paid the full dividends and interest due on all Debentures

Preference Capital Loans and other like securities other than the Ordinary Capital of the Company and dividends on its equity capital at a rate not less than three per centum per annum or alternatively the Board Authority or Company shall have paid for each financial year of the said ten years the full dividend and interest due on all Debentures Preference Capital Loans and other like securities other than the Ordinary capital of the Company and in addition for each of the said ten financial years have earned not less than six per centum per annum on its equity capital before charging income and other profits tax chargeable thereon. Provided that no investment shall be made

- (a) in such stocks shares or securities which are not at the date of the investment quoted on a Stock Exchange
- (b) in stocks shares or securities in respect of which there is an uncalled liability (except shares having uncalled liability in Banks and Insurance Companies registered in the United Kingdom)
- (c) which shall be calculated to give a gross yield per annum of less than three per centum having regard to the price paid for such investment the dividend declared thereon during the twelve months preceding the purchase thereof and the redemption date if any thereof
- (d) at a cost which if added to the aggregate value of such investments held by the Custodian Trustees would cause such aggregate value to exceed twenty-five per centum of the total value of the assets of the Fund as to which the certificate of the Auditors shall be conclusive "

2. SUB-PARAGRAPH (ix) of clause 6 (a) of the 1948 Deed shall be amended by substituting therefor the following sub-paragraph:—

"(ix) The placing of money on loan with either of the Corporations (provided that the aggregate amount for the time being outstanding of all such loans shall not at any one time exceed two and one-half per centum of the total assets of the Fund as to which the certificate of the Auditors shall be conclusive) or on deposit or on current account with any Bank or Banking House in Great Britain "

3. THE following additional sub-paragraph shall be added to clause 6 (a) of the 1948 Deed:—

"(x) Debentures debenture stock bonds or other obligations of any Company incorporated with limited liability in the United Kingdom Provided as follows:—

- (a) that such investments shall not exceed five per centum of the total assets of the Fund as to which the certificate of the Auditors shall be conclusive
- (b) that at all times when the amounts invested under sub-paragraph (vii) be less than twenty-five per centum of the total assets of the Fund then the amount authorised for investment under this sub-paragraph may be correspondingly increased
- (c) that at no time shall the total investments under sub-paragraph (vii) and this sub-paragraph exceed thirty per centum of the total assets of the Fund
- (d) that not more than Twenty-five thousand pounds shall be invested in any one issue of such debentures debenture stock bonds or other obligations if such are not quoted on a Stock Exchange and that no such investment shall be made unless some part of the share or loan capital of the Company concerned shall be quoted on a Stock Exchange at the time the investment is made "

4. IN Rule 7 (h) of the Schedule (Part I) to the 1948 Deed the expression "£2,000 per annum" wherever it occurs shall be replaced by the expression "£2,666 per annum "

5. THE Schedule (Part I) to the 1948 Deed shall be amended by adding the following rule:—

“9A Additional Contributions and Enhanced Pensions

- (a) A Member who has not attained an age within five years of normal retirement age may after attaining the age of 35 years at his own expense and without the addition of any contribution whatsoever from an Employer pay additional contributions of such amounts as may be agreed by an Employer not exceeding an amount equal to twice the Member's contribution as set out in the First Table hereof for the purpose of securing an enhanced pension at normal retirement age provided always that such enhanced pension shall not exceed two-thirds of the highest rate of actual pay during any of the last five years of the Member's service or Two thousand six hundred and sixty six pounds per annum and in all cases where it can reasonably be foreseen by the Management Trustees that the amount of any Member's pension may be in excess of either of the aforesaid limits then the additional contributions shall be adjusted so that the resulting pension shall not exceed such limits. The increase in pension secured by such additional contributions shall be of such amount as is certified by the Actuary
- (b) Where a pension is payable under Rule 13 or Rule 14 of the Scheme it shall be calculated as provided in the appropriate Rule but enhanced by such amount as is certified by the Actuary to be appropriate in respect of any additional contributions paid under this Rule
- (c) Additional contributions paid in accordance with the provisions of this Rule shall be deemed to be Member's own contributions and all the provisions of these Rules referring to Member's own contributions shall be interpreted accordingly
- (d) An enhanced pension payable in accordance with the provisions of this Rule shall be deemed to be the Member's pension benefit for all the purposes of the Scheme and all references in these Rules to pension or pension benefit shall be interpreted accordingly
- (e) A Member wishing to pay additional contributions shall give notice in writing to the Secretary of his intention so to do and a Member once having elected to pay additional contributions shall not be entitled to discontinue or reduce the rate of such additional contributions before reaching normal retirement age unless it can reasonably be foreseen that the limit of pension referred to in paragraph (a) of this Rule may be exceeded or unless in the opinion of the Management Trustees exceptional hardship would be caused to the Member if he were to continue making additional contributions. A Member who has not attained an age within five years of normal retirement age and who has elected to pay additional contributions at a rate less than twice the rate of Members' contributions as set out in the First Table hereof may by giving further notice in writing to the Secretary increase his future rate of additional contributions within the same limit
- (f) An Employer may entirely at his discretion having regard to the special circumstances of any case agree that in respect of any Member who retires after completion of ten years service and before attaining normal retirement age but who has attained an age within ten years of normal retirement age and is paying additional contributions under this Rule at the date of his retirement there shall without cost to the Member be added to the Member's pension such additional sum not exceeding that certified by the Actuary as being appropriate on the basis that additional contributions had continued until normal retirement age and that for the purposes of such calculation only the Member's service had likewise continued until normal retirement age”

6. THE First Table of the Schedule (Part I) to the 1948 Deed shall be amended by deleting Category 45 and substituting therefor the following:—

“Category 45 £5,000 and over

Employees Contributions shall amount to 5 per centum of pay which contribution shall secure a pension of £2 per centum of such pay at normal retirement age for each year of service in the category. For the purposes of this Category pay shall mean pay less £100 per annum”

7. SAVE as expressly altered amended or varied hereby the 1948 Deed (as amended by the 1950 Deed and the March 1953 Deed) the 1951 Deed and the August 1953 Deed shall continue and remain in force and shall have effect as if the alterations amendments or variations herein set out were where applicable inserted therein

THIS DEED is conditional on its being confirmed by Regulations made by the Minister of Transport and Civil Aviation under Section 21 of the Air Corporations Act 1949 and if so confirmed shall come into force on such date as may be specified in that behalf in such Regulations

IN WITNESS whereof the Corporations and the Custodian Trustees have caused their respective Common Seals to be hereunto affixed and the Management Trustees have hereunto set their hands and seals the day and year first before written

GIVEN UNDER THE COMMON SEAL of }  
BRITISH OVERSEAS AIRWAYS CORPORA- } (L.S.)  
TION in the presence of:—

BASIL SMALLPEICE, *Member*.  
K. H. STAPLE, *Secretary*.

GIVEN UNDER THE COMMON SEAL of }  
BRITISH EUROPEAN AIRWAYS CORPORA- } (L.S.)  
TION in the presence of:—

A. E. OVERTON, *Member*.  
H. E. MARKING, *Secretary*.

SIGNED SEALED AND DELIVERED by the }  
said RANKIN LORIMER WEIR in the } R. L. WEIR  
presence of:—

H. E. MARKING,  
British European Airways,  
Keyline House, Ruislip, Middlesex,  
*Solicitor*.

SIGNED SEALED AND DELIVERED by the }  
said JOHN WILLIAM HAWKINS in the } JOHN W. HAWKINS  
presence of:—

ROBERT M. FORREST,  
London Airport,  
*Solicitor*.

GIVEN UNDER THE COMMON SEAL of }  
AIRWAYS CORPORATIONS JOINT } (L.S.)  
PENSION FUND TRUSTEES LIMITED in }  
the presence of:—

B. G. PORTER, *Director*.  
S. R. BRIMBLECOMBE, *Secretary*.

**EXPLANATORY NOTE**

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

These Regulations amend the Airways Corporations Joint Pension Scheme by extending the provisions as to investment of the Fund, by increasing the maximum pension under Part I of the Scheme (General Staff) to £2,666, by enabling members of Part I, upon certain conditions, to contribute for enhanced pensions, and by increasing the rates of employees' contributions and pensions under Part I in respect of pay over £5,000 per annum.