
 STATUTORY INSTRUMENTS

1961 No. 445

CIVIL AVIATION

AIRWAYS CORPORATIONS

The Airways Corporations (General Staff, Pilots and Officers Pensions) (Amendment) Regulations, 1961

Made - - - - - 13th March, 1961
 Coming into Operation 20th March, 1961

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

1.—(1) The Joint Pension Scheme established and maintained by virtue of the Airways Corporations (Pensions) Regulations, 1948 to 1959, shall be in accordance with the provisions of the Trust Deed and amending Deeds, copies of which are set out in the Schedules to those Regulations, and as further amended by a Deed dated the first day of March, 1961, a copy of which is set out in the First Schedule to these Regulations and a Deed dated the second day of March, 1961, a copy of which is set out in the Second Schedule to these Regulations.

(2) The said Deeds dated the first day of March, 1961 and the second day of March, 1961 respectively, are accordingly confirmed and shall come into operation on the twentieth day of March, 1961.

2.—(1) These Regulations shall come into operation on the twentieth day of March, 1961, and may be cited as the Airways Corporations (General Staff, Pilots and Officers Pensions) (Amendment) Regulations, 1961.

(2) These Regulations—

(a) shall be construed as one with the Airways Corporations (General Staff Pensions) Regulations, 1948(b);

(b) may be cited together with the Airways Corporations (Pensions) Regulations, 1948 to 1959, as the Airways Corporations (Pensions) Regulations, 1948 to 1961.

3. The Interpretation Act, 1889(c), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Dated this thirteenth day of March, 1961.

Robert Burns,
 An Under Secretary
 of the Ministry of Aviation.

FIRST SCHEDULE

THIS DEED is made the first day of March One thousand nine hundred and sixty-one 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 Bealine House Northolt in the County of Middlesex (hereinafter called "the Corporations") of the first part RANKIN LORIMER WEIR LEONARD ATHERTON KENNETH GLENNY BERGIN KENNETH WILLIAM BEVAN JOHN DOUGLAS ELLIOTT JOHN WILLIAM HAWKINS CYRIL ALFRED HERRING CHARLES GEORGE KLIMCKE EDWARD ALBERT NEWMAN JOHN OXFORD JOHN CHARLES WILLIAM SPRINGBETT and JOHN SYME The Management Trustees for the time being of The Airways Corporations Joint Pension Scheme (hereinafter called "the Management Trustees") of the second part and AIRWAYS CORPORATIONS JOINT PENSION FUND TRUSTEES LIMITED (hereinafter called "the Custodian Trustees" which expression shall include the Custodian Trustees for the time being) of the third part and is SUPPLEMENTAL to the various Deeds set out in the Schedules to The Airways Corporations (Pensions) Regulations 1948 to 1959

WHEREAS:—

- (1) The parties hereto are desirous of effecting certain amendments to the Rules of Part IV of The Airways Corporations Joint Pension Scheme insofar as the said Rules affect Pilots
- (2) At a meeting of the Management Trustees held on the First day of February One thousand nine hundred and sixty-one the said Rankin Lorimer Weir and the said Charles George Klimcke were appointed to execute this Deed in accordance with the provisions of Clause 18 of the Trust Deed of The Airways Corporations Joint Pension Scheme

IT IS NOW HEREBY AGREED AND DECLARED as follows:—

1. In this Deed the expression "Part IV Rules—Pilots' Option A" shall mean the Rules of Part IV set out in the Schedule to the Deed a copy of which is set out in the Schedule to the Airways Corporations (General Staff Pilots and Officers Pensions) (Amendment) Regulations 1957 as amended by the provisions of the Second Schedule to the Deed set out in the Schedule to The Airways Corporations (General Staff Pilots and Officers Pensions) (Amendment) Regulations 1959 insofar as the said Rules as so amended are applicable to Pilots
2. The Rules set out in the Schedule to this Deed shall be known as "Part IV Rules—Pilots' Option B"
3. Pilots who on the date upon which this Deed comes into force are subject to Part IV Rules—Pilots' Option A and Pensioners who on the First day of April One thousand nine hundred and fifty-seven were Pilots subject to Part IV Rules—Pilots' Option A shall subject to compliance with the requirements of Rule 7 (b) of the Rules set out in the Schedule to this Deed be entitled by giving notice to reach the Secretary on or before the date six months after the date on which this Deed comes into force to elect to become subject to the Part IV Rules—Pilots' Option B in lieu of the said Part IV Rules—Pilots' Option A.
4. The Part IV Rules—Pilots' Option A shall not apply to any person who becomes a Member of the Scheme on or after the date upon which this Deed comes into force
5. Save as expressly altered amended or varied hereby the Trust Deed and the Schedules thereto as heretofore amended 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
6. This Deed is conditional on its being confirmed by Regulations made by the Minister of 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

THE SCHEDULE *above referred to*

PART IV RULES—PILOTS' OPTION B

1. *General*

Subject to the exceptions adaptations and modifications hereinafter specified the Part IV Rules—Pilots' Option A (hereinafter in this Schedule referred to as "the said Rules") shall constitute Part IV Rules—Pilots' Option B

2. *Definitions*

In Rule 1 of the said Rules the definition of pensionable pay shall be deleted and the following definition substituted therefor

"(m) "Pensionable pay" in the case of Pilots means the average of the Member's pay for pension purposes during the best three consecutive years in the last six years of his service in respect of which contributions have been paid or during the actual period of his service if less than 3 years"

3. *Normal Retirement Age*

In Rule 4 (b) of the said Rules for the reference to 48 years there shall be substituted a reference to 50 years

4. *Contributions*

In Rule 5 (a) of the said Rules for the reference to 5 per cent of the Member's pay for contribution purposes there shall be substituted a reference to 6 per cent of the Member's pay for contribution purposes

5. *Normal Pension*

In Rule 8 (c) of the said Rules for the reference to £1 10s. 6d. per cent of the Member's pensionable pay there shall be substituted a reference to £1 15s. 9d. per cent of the Member's pensionable pay and the references to Officers shall be deleted

6. *Ill-health Pension*

In Rule 11 of the said Rules all references to Officers shall be deleted and in paragraph (a) thereof for the reference to £1 13s. 4d. per cent there shall be substituted a reference to £1 15s. 9d. per cent and for the reference to the age of 50 there shall be substituted a reference to the age of 55

7. *Transitional Provisions*

(a) The following additional proviso shall be inserted at the end of the first sentence of Rule 6 (g) (i) of the said Rules:—

Provided further that Pilots may if on or before the date six months after the date on which this Deed comes into force they so elect make contributions in respect of any period or periods of time prior to the 1st day of April 1957 during which they have served on permanent posting in any such designated territory the rate of annual contribution to be 6 per cent payable in respect of the 25 per cent increase in pay for contribution purposes such pay for contribution purposes to be calculated with reference to the pay of the member at the time of such overseas service

(b) Each Pilot who elects to become subject to the Part IV Rules—Pilots' Option B pursuant to the provisions of Clause 3 of this Deed shall be required to pay by way of further contribution such sum as is equal to 1 per cent of his pay in each year (or part year) included in his years of continuous service prior to the date of such election

(c) Each Pilot who was a Member of the Scheme on 30th June 1953 and who by reason of his age on the date of his admission to the Scheme will not have completed 28 years of continuous service prior to attaining the age of 50 may on or before the date six months after the date on which this Deed comes into force elect to pay contributions in respect of an additional period of

time not exceeding three years in or towards completion of a maximum of 28 years of continuous service by the age of 50 the rate of annual contribution to be 6 per cent of the Member's pay for contribution purposes such pay for contribution purposes to be calculated with reference to the pay of the Member at the date of his first appointment as a Pilot by an Employer or by a Predecessor of an Employer in which event the period of time in respect of which contributions are made by virtue of this paragraph shall constitute notional years (or part years) of service and the Member's pension shall be calculated in the manner specified in Rule 13 (d) of the said Rules

(d) For the purposes of paragraphs (b) and (c) of this Rule in ascertaining the amount of the Member's pay in any year or part of a year between 1st day of June 1947 and 30th day of June 1953 (during which his remuneration consisted of basic pay exclusive of pension contributions) the amount of the pension contribution set out in the First Table of Part II of the Scheme appropriate to the Member's basic pay shall be added to the amount of such basic pay

(e) For the purposes of paragraphs (b) and (c) of this Rule any adjustments to years of service pursuant to Rules 6 (g) or 13 shall be ignored

(f) If a Pilot so elects he may instead of making any contribution in accordance with the provisions of this Rule make an increased annual contribution of such amount as the Management Trustees shall determine during the period between the date of his election under Clause 3 of this Deed and the date of his attaining normal retirement age or the date of his actual retirement not later than age 55 if service after normal retirement age can reasonably be foreseen provided always that if as a result of such election the Pilot's total contributions would exceed 15 per cent of his remuneration in any year then the total contributions shall nevertheless be limited to a sum equal to 15 per cent of such remuneration in that year and any excess shall be paid as a lump sum either immediately or by instalments over such period as may be agreed by the Management Trustees

(g) The Pensioners referred to in Clause 3 of this Deed shall if they elect to become subject to the Part IV Rules—Pilots' Option B be in all respects subject to the provisions of this Rule as if they were Pilots

8. Elections

Any election to be made pursuant to Part IV Rules—Pilots' Option B shall be made by notice to the Secretary

THE COMMON SEAL OF BRITISH OVERSEAS AIRWAYS CORPORATION was hereunto affixed in the presence of:— } (L.S.)

BASIL SMALLPEICE,
Member.

K. H. STAPLE,
Secretary.

THE COMMON SEAL OF BRITISH EUROPEAN AIRWAYS CORPORATION was hereunto affixed in the presence of:— } (L.S.)

R. L. WEIR,
Member.

H. E. MARKING,
Secretary.

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

N. R. HALLWORTH,
29, CARDINAL ROAD,
EASTCOTE

Secretary

SIGNED SEALED AND DELIVERED by the said }
 CHARLES GEORGE KLIMCKE in the presence of:— } C. G. KLIMCKE

M. F. DAWSON,
 39, WOODVILLE ROAD,
 NEW BARNET, HERTS.

Spinster.

(L.S.) { THE COMMON SEAL OF AIRWAYS CORPORATIONS JOINT
 PENSION FUND TRUSTEES LIMITED was hereunto affixed
 in the presence of:—

JOHN W. HAWKINS,
Director.

S. R. BRIMBLECOMBE,
Secretary.

SECOND SCHEDULE

THIS DEED is made the second day of March One thousand nine hundred and sixty one 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 Bealine House Northolt in the County of Middlesex (hereinafter called "the Corporations") of the first part RANKIN LORIMER WEIR LEONARD ATHERTON KENNETH GLENNY BERGIN KENNETH WILLIAM BEVAN JOHN DOUGLAS ELLIOTT JOHN WILLIAM HAWKINS CYRIL ALFRED HERRING CHARLES GEORGE KLIMCKE EDWARD ALBERT NEWMAN JOHN OXFORD JOHN CHARLES WILLIAM SPRINGBETT JOHN SYME The Management Trustees for the time being of The Airways Corporations Joint Pension Scheme (hereinafter called "the Management Trustees") of the second part and AIRWAYS CORPORATIONS JOINT PENSION FUND TRUSTEES LIMITED (hereinafter called "the Custodian Trustees" which expression shall include the Custodian Trustees for the time being) of the third part and is SUPPLEMENTAL to the various Deeds set out in the Schedules to The Airways Corporations (Pensions) Regulations 1948 to 1959 and to a Deed dated the first day of March One thousand nine hundred and sixty one between the Corporations of the first part the Management Trustees of the second part and the Custodian Trustees of the third part (hereinafter called "the 1961 Deed")

WHEREAS:—

- (1) The parties hereto are desirous of effecting certain amendments to the Rules of The Airways Corporations Joint Pension Scheme including amendments consequent upon the enactment of the National Insurance Act 1959
- (2) At a meeting of the Management Trustees held on the Sixteenth day of December One thousand nine hundred and sixty 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 Trust Deed of The Airways Corporations Joint Pension Scheme

NOW IT IS HEREBY AGREED AND DECLARED as follows:—

1. THE Rules of Part I the Rules of Part II, the Rules of Part III and the Rules of Part IV including both Part IV Rules—Pilots' Option A and Part IV Rules—Pilots' Option B shall be read and construed subject to the provisions of the Additional Rule set out in the First Schedule hereto

2. THE last sentence of Rule 14 (a) of Part II shall be deleted

3. THE last sentence of Rule 13 (a) of Part III shall be deleted

4. THE Rules of Part IV including both Part IV Rules—Pilots' Option A and Part IV Rules—Pilots' Option B shall be further amended in the manner set out in the Second Schedule hereto

5. IN this Deed the expressions "Part I" "Part II" "Part III" and "Part IV" shall respectively have the meanings assigned to them in the Schedule to the Deed set out in the Schedule to the Airways Corporations (General Staff Pilots and Officers Pensions) (Amendment) Regulations 1957 and the expressions "Part IV Rules—Pilots' Option A" and "Part IV Rules—Pilots' Option B" shall respectively have the meanings assigned to them in the 1961 Deed

6. SAVE as expressly altered amended or varied hereby the Trust Deed and Rules of the Airways Corporations Joint Pension Scheme as heretofore amended 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

7. THIS DEED is conditional on its being confirmed by Regulations made by the Minister of 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

THE FIRST SCHEDULE ABOVE referred to
Additional Rule

National Insurance Act 1959

(a) The amount of pension payable to a Member from and after attainment of the age of Sixty five years in the case of men and of sixty years in the case of women shall in no event be less than the maximum graduated pension that would be payable in accordance with the provisions of the National Insurance Act 1959 for a period of service corresponding to the actual period of service of the Member after First April One thousand nine hundred and sixty one any provisions of these Rules to the contrary notwithstanding

(b) If any Member of the Scheme who is entitled under the Rules of the Scheme to receive if the Member so elects a deferred pension on withdrawal from the Scheme before normal retirement age nevertheless elects in lieu of such deferred pension to receive a refund of the Member's own contributions with interest thereon there shall be deducted from such refund the amount which bears to the amount of the refund the same proportionate relationship as the amount of the maximum graduated pension that would be payable in accordance with the provisions of the National Insurance Act 1959 for a period of service corresponding to the actual period of service of the Member after First April One thousand nine hundred and sixty one bears to the amount of the deferred pension to which the Member would otherwise have been entitled on withdrawal from the Scheme

(c) In all cases other than those referred to in paragraph (b) of this Rule there shall be deducted from any refund of a Member's contributions with interest one half of such sum as is equal in amount to the payment in lieu of contributions in respect of such Member contemplated in the provisions of Part II of the National Insurance Act 1959 The foregoing provisions of this paragraph shall not limit or restrict the Employer's right instead of making a payment in lieu of contributions in respect of the Member to make any of the other arrangements contemplated in the National Insurance Act 1959 in the case of the withdrawal of a Member from the Scheme or any other arrangements approved by the Registrar of Non-Participating Employments

(d) The Management Trustees shall if so requested by an Employer make arrangements to pay out of the Fund to a Member who has withdrawn from the Scheme before normal retirement age a pension payable from and after attainment of the age of sixty five years in the case of men and of sixty years in the case of women of an amount equal to the maximum graduated pension that would be payable in accordance with the provisions of the National Insurance Act 1959 for a period of service corresponding to the actual period of service of the Member after First April One thousand nine hundred and sixty one PROVIDED ALWAYS that the provisions of Rule 15 of Part I Rule 9 of Part II Rule 8 of Part III and Rule 17 of Part IV including both Part IV Rules—Pilots' Option A and Part IV Rules—Pilots' Option B shall not apply to any such pension

(e) No action shall be taken pursuant to any of the Rules of the Scheme if and to the extent that the result of such action would be to reduce the amount of pension payable to or secured for the Member from and after attainment of the age of sixty-five years in the case of men and of sixty years in the case of women to less than the maximum graduated pension that could be earned in accordance with the provisions of the National Insurance Act 1959 for a period of service corresponding to the actual period of service of the Member.

(f) For the purposes of this Rule the expression "actual period of service" shall include any period of service after First April One thousand nine hundred and sixty one in a non-participating employment within the meaning of the National Insurance Act 1959 in respect of which a transfer value has been received pursuant to Rule 28 of Part IV or the corresponding Rule of the other Parts of the Scheme

(g) Any reference in this Rule to the National Insurance Act 1959 shall be construed as a reference to that Act subject to any statutory modification or re-enactment thereof for the time being in force and shall include a reference to any orders or regulations made thereunder

THE SECOND SCHEDULE *above referred to*

PART IV RULES

1. In Rule 3 (c) the words "the first of the month succeeding" shall be deleted and for the expression "20 years" there shall be substituted the expression "18 years"

2. Rule 16 (d) shall be deleted and replaced by the following paragraph:—

"(d) Notwithstanding the provisions of paragraph (a) of this Rule the Management Trustees may if in their opinion a pension is trivial in amount pay such pension whether in advance or in arrear at such intervals of time not exceeding one year as they may deem appropriate"

3. In paragraphs (a) and (b) of Rule 28 the words "or any other Funds or Schemes approved or recognised by the Commissioners of Inland Revenue for the purposes of this Rule" shall be inserted after the words "for the time being in force"

THE COMMON SEAL of BRITISH OVERSEAS AIRWAYS CORPORATION was hereto affixed in the presence of:— } (L.S.)

BASIL SMALLPEICE,
Member

K. H. STAPLE
Secretary

THE COMMON SEAL of BRITISH EUROPEAN AIRWAYS CORPORATION was hereto affixed in the presence of:— } (L.S.)

R. L. WEIR
Member

H. E. MARKING
Secretary

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

N. R. HALLWORTH
29, Cardinal Road,
Eastcote

Secretary

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

} JOHN W. HAWKINS

M. F. DAWSON

39, Woodville Road,
New Barnet, Herts.

Spinster.

THE COMMON SEAL of AIRWAYS CORPORATIONS
JOINT PENSION FUND TRUSTEES LIMITED was
hereto affixed in the presence of:—

} (L.S.)

JOHN W. HAWKINS

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. The principal changes, the details of which are specified in Deeds of which copies are set out in the First and Second Schedules to the Regulations are:—

(1) The terms and conditions of contributions and benefits for Pilots of the Airways Corporations are altered ;

(2) The provisions of the Scheme are modified so as to enable the employment of members of the Scheme to qualify for treatment as a non-participating employment for the purposes of the National Insurance Act, 1959 ;

(3) The provisions for transfer of members to or from the Scheme are widened so as to enable members to be transferred to or from any Funds or Schemes recognised by the Commissioners of Inland Revenue for the purposes of the provisions of the Scheme relating to such transfers.