

1961 No. 559

NATIONAL INSURANCE

The National Insurance (Modification of Transport Undertaking Superannuation Funds) Regulations, 1961

<i>Made</i> - - - - -	23rd March, 1961
<i>Laid before Parliament</i>	29th March, 1961
<i>Coming into Operation</i>	30th March, 1961

The Minister of Transport being the appropriate Minister determined by the Treasury under subsection (4) of section 69 of the National Insurance Act, 1946(a), in relation to the Funds in pursuance of the powers conferred upon him by the said subsection as extended by section 15 of the National Insurance Act, 1959(b), and of all other powers him enabling, hereby makes the following regulations:—

1. These regulations shall come into operation on the thirtieth day of March, 1961, and may be cited as the National Insurance (Modification of Transport Undertaking Superannuation Funds) Regulations, 1961.

2.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:

“the Funds” mean the London Transport (Administrative and Supervisory) Staff Superannuation Fund the British Road Services (Salaried Staff) Group Superannuation Fund the Hay’s Wharf Companies’ Superannuation Scheme (Section B) and any pension scheme established by or under the London and North Eastern Railway (Superannuation Fund) Act, 1939(c), the London Midland and Scottish Railway (Superannuation Fund) Act, 1924(d), the Great Western Railway (Superannuation Fund) Act, 1941(e), the Southern Railway (Superannuation Fund) Act, 1927(f), the Railway Clearing System Superannuation Fund Association Act, 1873(g) and the Regent’s Canal and Dock Company (Grand Junction Canal Purchase) Act, 1928(h):

“the Rules” mean in relation to any of the Funds the rules or provisions of any enactment or other instrument relating to the provision of pensions or other benefits payable out of that fund:

“participating employment” means any employment in which a member is required to pay graduated contributions under the National Insurance Act, 1959, or would be required to pay such contributions if his remuneration exceeded the amount mentioned in paragraph (b) of sub-section (1) of Section 1 of that Act:

“member” includes a contributory to any of the Funds.

(2) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

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

(a) 9 & 10 Geo. 6. c. 67.

(b) 7 & 8 Eliz. 2. c. 47.

(c) 2 & 3 Geo. 6. c. xxii.

(d) 14 & 15 Geo. 5. c. li.

(e) 4 & 5 Geo. 6. c. ii.

(f) 17 & 18 Geo. 5. c. xi.

(g) 36 & 37 Vict. c. lxxxviii.

(h) 18 & 19 Geo. 5. c. xcvi.

(i) 52 & 53 Vict. c. 63.

3. The Rules of the Funds shall be modified in accordance with the modifications set out in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Schedules hereto.

4. The benefits of members of the Funds who are or have been in participating employment and the contributions payable by and in respect of such members shall be modified as follows:—

- (1) A member's retirement pension shall as from the age of 65 years in the case of a man or 60 years in the case of a woman or from the date of entitlement if later than that age be reduced by 6d. per week for each £7 10s. 0d. in the case of a man or £9 in the case of a woman paid by the member as graduated contributions under the National Insurance Act, 1959 during his or her period of contributory membership of the fund;
 - (2) The contributions payable by and in respect of a member shall be reduced according to his or her age in accordance with the applicable column set out in the Tenth Schedule to these Regulations.
5. The provisions of Regulation 4 shall cease to apply to a member of any of the Funds on his transfer to employment in a grade of employees who are not eligible to become members of such fund.

Given under the Official Seal of the Minister of Transport this twenty-third day of March, 1961.

(L.S.)

Ernest Marples,
Minister of Transport.

THE FIRST SCHEDULE

MODIFICATIONS OF THE RULES OF THE LONDON TRANSPORT (ADMINISTRATIVE AND SUPERVISORY) STAFF SUPERANNUATION FUND

1. In Rule 2 there shall be inserted after the definition of "Retained Pension" and before the definition of "The Rules" the following definition—

"The State Graduated Retirement Benefit' means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Rules which require that any pension payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the pension payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act."

2. At the end of Rule 19 there shall be added a new paragraph containing the following proviso—

"Provided always that every pension payable from the Fund under this Rule to a member in respect of any period after the age of 65 years in the case of a man or 60 years in the case of a woman shall not be less than the State Graduated Retirement Benefit."

3. At the end of Rule 20.III there shall be added the following words—

"and provided also that there shall be excluded from the operation of this Rule such part of every pension payable under Rule 20.I(c) to a member in respect of any period after the age of 65 years in the case of a man or 60 years in the case of a woman as would be equal to the State Graduated Retirement Benefit."

4. At the end of Clause (c) in Rule 27.I there shall be inserted the following words—

“nor be of such an amount as would result in the total pension payable to a member in respect of any period after the age of 65 years in the case of a man or 60 years in the case of a woman being less than the State Graduated Retirement Benefit.”

5. At the end of Clause (a) in Rule 31 there shall be added the following words—

“and provided also that there shall be excluded from the operation of this Rule such part of every pension payable under these Rules to a member in respect of any period after the age of 65 years in the case of a man or 60 years in the case of a woman as would be equal to the State Graduated Retirement Benefit.”

THE SECOND SCHEDULE

MODIFICATIONS OF THE RULES OF THE BRITISH ROAD SERVICES (SALARIED STAFF) GROUP SUPERANNUATION FUND

1. In Rule 1 there shall be inserted after the definition of “Salaried Officer” and before the definition of “Salary” the following definition—

“‘The State Graduated Retirement Benefit’ means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Rules which require that any pension payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the pension payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act.”

2. After the Table at the end of Rule 17 and at the end of sub-rule (1) of Rule 20 there shall be added the following proviso—

“Provided that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the pension payable to the member shall not be less than the State Graduated Retirement Benefit.”

3. After the Table to the proviso to sub-rule (1) of Rule 18 there shall be added the following proviso—

“Provided also that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the pension payable to the member shall not be less than the State Graduated Retirement Benefit.”

4. At the end of sub-rule (2) of Rule 18 there shall be added the following proviso—

“Provided that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

5. At the end of Rule 36 there shall be added the following proviso—

“Provided that any such lien, if exercised, shall not reduce any pension otherwise due to the member on attaining the age of 65 years in the case of a male or 60 years in the case of a female to an amount which is less than the State Graduated Retirement Benefit.”

6. In the fourth line of sub-rule (1) of Rule 41 after the word “commute” the words “the whole or part of the pension” shall be deleted and there shall be substituted the following words—

“any part of the pension which is in excess of the State Graduated Retirement Benefit.”

THE THIRD SCHEDULE

MODIFICATIONS OF THE RULES OF THE LONDON AND NORTH EASTERN RAILWAY SUPERANNUATION FUND ESTABLISHED BY THE LONDON AND NORTH EASTERN RAILWAY (SUPERANNUATION FUND) ACT, 1939.

1. In sub-rule (1) of Rule 1 there shall be inserted after the definition of "Salary" and before the definition of "The Corporation" the following definition—

"The State Graduated Retirement Benefit means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Rules which require that any annuity payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the annuity payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act."

2. At the end of Rule 6 there shall be added the following sub-rule—

"(3) This rule shall have effect subject to the proviso that on attaining the age of 65 years in the case of a male or 60 years in the case of a female, a member shall be paid an annuity which shall not be less than the State Graduated Retirement Benefit."

3. At the end of sub-rule (1) of Rule 17, at the end of sub-rule (2) of Rule 19, at the end of Rule 23 and at the end of sub-rule (3) of Rule 32A there shall be added the following proviso—

"Provided that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit."

4. At the end of the Table to the proviso to sub-rule (1) of Rule 21 there shall be added the following proviso—

"Provided also that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit."

5. At the end of Rule 22 there shall be added the following sub-rule—

"(4) Notwithstanding the foregoing provisions of this Rule, on attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit."

6. In the sixth line of sub-rule (1) of Rule 24, after the word "commute" the words "the whole or part of the annuity" shall be deleted and there shall be substituted the following words—

"any part of the annuity which is in excess of the State Graduated Retirement Benefit."

THE FOURTH SCHEDULE

MODIFICATIONS OF THE LONDON MIDLAND AND SCOTTISH RAILWAY SUPERANNUATION SCHEME ESTABLISHED BY THE LONDON MIDLAND AND SCOTTISH RAILWAY (SUPERANNUATION FUND) ACT, 1924

1. In Rule 1 there shall be inserted after the definition of "Salaried Officer" and before the definition of "The service" the following definition—

The State Graduated Retirement Benefit' means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Rules which require that any annuity payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the annuity payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act."

2. At the end of Rule 10, at the end of Rule 27, at the end of paragraph (a) of Rule 28 and at the end of sub-rule (i) of Rule 29a there shall be added the following proviso—

“Provided that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

3. At the end of Rule 26 there shall be added the following proviso—

“Provided also that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

4. In the seventh line of Rule 29 after the word “commuting” the words “part of the annuity” shall be deleted and there shall be substituted the following words—

“any part of the annuity which is in excess of the State Graduated Retirement Benefit.”

THE FIFTH SCHEDULE

MODIFICATIONS OF THE RULES OF THE GREAT WESTERN RAILWAY SUPERANNUATION FUND ESTABLISHED BY THE GREAT WESTERN RAILWAY (SUPERANNUATION FUND) ACT, 1941

1. In sub-rule (1) of Rule 1 there shall be inserted after the definition of “Salary” and before the definition of “Existing Fund” the following definition—

“‘The State Graduated Retirement Benefit’ means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Rules which require that any annuity payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the annuity payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act.”

2. At the end of sub-rule (4) and sub-rule (5) of Rule 3, at the end of sub-rule (1) of Rule 13, at the end of sub-rule (2) of Rule 15 and at the end of Rule 19 there shall be added the following proviso—

“Provided that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

3. At the end of the Table to the proviso to sub-rule (1) of Rule 17 there shall be added the following proviso—

“Provided also that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

4. At the end of Rule 18 there shall be added the following sub-rule—

“(4) Notwithstanding the foregoing provisions of this Rule, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable shall not be less than the State Graduated Retirement Benefit.”

5. In the fifth line of sub-rule (1) of Rule 20, after the word “commute” the words “the whole or part of the annuity” shall be deleted and there shall be substituted the following words—

“any part of the annuity which is in excess of the State Graduated Retirement Benefit.”

6. In Rule 21 the words “without the assent of the Company and of the Committee” shall be deleted.

THE SIXTH SCHEDULE

MODIFICATIONS OF THE RULES OF THE SOUTHERN RAILWAY SUPERANNUATION FUND ESTABLISHED BY THE SOUTHERN RAILWAY (SUPERANNUATION FUND) ACT, 1927

1. In Rule 1 there shall be inserted after the definition of “Annual Salary” and before the definition of “Salaried Officer” the following definition—

“The State Graduated Retirement Benefit’ means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Rules which require that any annuity payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the annuity payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act.”

2. After the word “Committee” at the end of the first paragraph of Rule 7 there shall be added the following words—

“Provided that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, there shall be paid an annuity to the member which shall not be less than the State Graduated Retirement Benefit.”

3. At the end of Rule 19 and at the end of sub-rule (1) of Rule 21A, there shall be added the following proviso—

“Provided that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

4. At the end of the Table to the proviso to sub-rule (1) of Rule 22 and at the end of Rule 23 there shall be added the following proviso—

“Provided also that, on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

5. At the end of Rule 24 there shall be added the following sub-rule—

“(3) This rule shall have effect subject to the proviso that on the member attaining the age of 65 years in the case of a male or 60 years in the case of a female, the annuity payable to the member shall not be less than the State Graduated Retirement Benefit.”

6. In the sixth line of Rule 25, after the word “commute” the words “the whole or part of the annuity” shall be deleted and there shall be substituted the following words—

“any part of the annuity which is in excess of the State Graduated Retirement Benefit.”

THE SEVENTH SCHEDULE

MODIFICATIONS OF THE RAILWAY CLEARING SYSTEM SUPERANNUATION FUND ACT, 1941, IN RESPECT OF THE PENSION SCHEME ESTABLISHED UNDER THE RAILWAY CLEARING SYSTEM SUPERANNUATION FUND ACTS, 1873 TO 1941.

1. In Section 2 of the Railway Clearing System Superannuation Fund Act, 1941, (hereinafter referred to as “the Act”) there shall be inserted after the definition of “Salaried Officers and Clerks” and before the definition of “admission into the service” the following definition—

“‘The State Graduated Retirement Benefit’ means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Acts and Rules which require that any annuity payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the annuity payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act.”

2. In sub-section (1) of Section 17 of the Act after the word “commute” the words “the whole or part of” shall be deleted and there shall be inserted after the word “any” in the eighth line the words “part of the” and after the word “Act” in the ninth line the words “which is in excess of the State Graduated Retirement Benefit”.

3. After the Table at the end of paragraph (1) of the First Schedule to the Act there shall be added the following proviso—

“Provided also that, on the member attaining the age of 65 years, the annuity payable shall not be less than the State Graduated Retirement Benefit.”

4. After the Table at the end of sub-paragraph (a) of paragraph (2) of the First Schedule to the Act there shall be added the following proviso—

“Provided that, on the member attaining the age of 65 years, the annuity payable shall not be less than the State Graduated Retirement Benefit.”

5. After sub-paragraph (c) of paragraph (3) of the First Schedule to the Act there shall be added the following sub-paragraph—

“(d) Notwithstanding the foregoing provisions of this paragraph, on such person attaining the age of 65 years, the annuity payable shall not be less than the State Graduated Retirement Benefit.”

6. At the end of sub-paragraph (a) of paragraph (4) of the First Schedule to the Act the semi-colon shall be deleted and there shall be substituted a comma and there shall be added the following words—

“provided that, on the member attaining the age of 65 years, the annuity payable to him shall not be less than the State Graduated Retirement Benefit.”

7. After the table in the Second Schedule to the Act there shall be added the following proviso—

“Provided that, on the member attaining the age of 60 years, the annuity payable shall not be less than the State Graduated Retirement Benefit”.

THE EIGHTH SCHEDULE

MODIFICATIONS OF THE RULES OF THE HAY'S WHARF COMPANIES' SUPERANNUATION SCHEME (SECTION B)

1. In sub-rule (A) of Rule 1 there shall be inserted after the definition of “salary” and before the definition of “pensioner” the following definition—

“The ‘State Graduated Retirement Benefit’ means the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, and the provisions of the Rules which require that any annuity payable thereunder shall not be less than the State Graduated Retirement Benefit shall apply only to that part of the annuity payable to the member for the period of membership whilst in the service in non-participating employment within the meaning of that Act.”

2. At the end of sub-rule (i) of Rule 10 there shall be added the following proviso—

“Provided that his pension so reduced shall not be less than the State Graduated Retirement Benefit.”

3. At the end of sub-rule (E) of Rule 12 there shall be added the following proviso—

“Provided that a contributory shall not be entitled to retire until and unless the pension as assessed by the Actuary is at least equivalent to the State Graduated Retirement Benefit.”

4. At the end of sub-rule (F) of Rule 12 there shall be added the following words—

“and that on his attaining the age of 65 years the pension payable shall not be less than the State Graduated Retirement Benefit.”

THE NINTH SCHEDULE

MODIFICATIONS OF THE REGENT'S CANAL AND DOCK COMPANY (GRAND JUNCTION CANAL PURCHASE) ACT, 1928, IN RESPECT OF THE PENSION SCHEME ESTABLISHED UNDER THE FOURTH SCHEDULE TO THAT ACT

At the end of the proviso in Clause 14 of the Fourth Schedule to the Regent's Canal and Dock Company (Grand Junction Canal Purchase) Act, 1928, there shall be added the following words—

“and provided also that the joint annuity payable to the member during his lifetime shall not be less than the equivalent pension benefits as defined in Section 8 (1) of the National Insurance Act, 1959, in relation to the period of membership whilst in the service in non-participating employment within the meaning of that Act.”

THE TENTH SCHEDULE

AMOUNT OF REDUCTION OF CONTRIBUTIONS UNDER REGULATION 4 (2)

Age on birthday nearest to the 5th April following a graduated contribution of £7 10s. 0d. in the case of a man or £9 0s. 0d. in the case of a woman or multiples thereof.	COLUMN 2			
	London Midland and Scottish Railway Superannuation Scheme		Other Funds	
	Men	Women	Men	Women
18	£ 1	£ 2	£ 1	£ 1
19	s. 4	s. 4	s. 6	s. 4
20		6	8	6
21	6	8	10	8
22	6	10	12	10
23	8	12	14	14
24	10	16	16	18
25	10	18	18	2 2
26	12	3 0	2 0	2 6
27	14	3 4	2 2	2 12
28	16	3 6	2 4	2 18
29	16	3 10	2 6	3 4
30	18	3 12	2 8	3 10
31	2 0	3 16	2 12	3 16
32	2 2	4 0	2 14	4 2
33	2 4	4 4	2 18	4 8
34	2 6	4 8	3 0	4 14
35	2 8	4 12	3 2	5 0
36	2 10	4 16	3 6	5 8
37	2 14	5 0	3 8	5 14
38	2 16	5 4	3 12	6 0
39	2 18	5 10	3 14	6 8
40	3 2	5 14	3 18	6 16
41	3 4	6 0	4 2	7 2
42	3 8	6 6	4 6	7 8
43	3 10	6 12	4 10	7 14
44	3 14	6 18	4 14	8 2
45	3 18	7 4	4 18	8 10
46	4 2	7 12	5 2	8 18
47	4 6	7 18	5 6	9 6
48	4 10	8 6	5 12	9 14
49	4 14	8 14	5 16	10 2
50	4 18	9 2	6 2	10 10
51	5 4	9 10	6 8	11 0
52	5 10	10 0	6 14	11 10
53	5 16	10 10	7 0	12 0
54	6 2	11 0	7 6	12 10
55	6 8	11 10	7 12	13 2
56	6 16	12 2	7 18	13 14
57	7 4	12 14	8 4	14 6
58	7 12	13 8	8 12	14 18
59	8 0	14 2	9 0	15 12
60	8 10	14 16	9 8	16 8
61	9 0	15 12	9 16	17 6
62	9 10		10 6	
63	10 0		10 18	
64	10 12		11 10	
65	11 6		12 4	
	11 18		13 0	

EXPLANATORY NOTE

(This note is not part of these regulations, but is intended to indicate their general purport.)

These regulations modify the Superannuation Funds referred to in regulation 2 (1) to meet the requirements of the National Insurance Act, 1959, when an employment is treated as a non-participating employment. By virtue of Section 7 (2) of the said Act of 1959 an employment may not be contracted out of the graduated National Insurance scheme unless those employed in it qualify for equivalent pension benefits. Section 8 (1) of that Act lays down the conditions which must be satisfied if an occupational pension scheme is to be treated as providing equivalent pension benefits. Regulation 4 and the Tenth Schedule provide for the modification of benefits payable to and contributions payable by and in respect of members of the Superannuation Funds who are or have been in participating employment.