

## 1967 No. 739

## CIVIL AVIATION

**The Air Corporations (General Staff, Pilots and Officers Pensions) (Amendment) Regulations 1967**

Made - - - - - 8th May 1967  
 Coming into Operation 22nd May 1967

The Board of Trade, in exercise of their powers under section 21 of the Air Corporations Act 1949(a), as amended(b), as having effect by virtue of the Transfer of Functions (Civil Aviation) Order 1966(c), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—(1) The Joint Pension Scheme established and maintained by virtue of the Air Corporations (Pensions) Regulations 1948 to 1965(d) 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, as further amended by a Deed dated 25th April 1967 a copy of which is set out in the Schedule to these Regulations.

(2) The said Deed dated 25th April 1967 is accordingly confirmed and shall come into operation on 22nd May 1967.

2.—(1) These Regulations shall come into operation on 22nd May 1967, and may be cited as the Air Corporations (General Staff, Pilots and Officers Pensions) (Amendment) Regulations 1967.

(2) These Regulations—

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

(b) may be cited together with the Air Corporations (Pensions) Regulations 1948 to 1965 as the Air Corporations (Pensions) Regulations 1948 to 1967.

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

*Geoffrey Parker,*  
 An Under Secretary of the  
 Board of Trade.

8th May 1967.

(a) 1949 c. 91.

(b) There is no amendment which relates expressly to the subject matter of these Regulations.

(c) S.I. 1966/741 (1966 II, p. 1732).

(d) See S.I. 1948/2361 (Rev. I, p. 1275: 1948 I, p. 437) and amending instruments down to S.I. 1965/1769 (1965 III, p. 4991).

(e) S.I. 1948/2361 (Rev. I, p. 1275: 1948 I, p. 437).

(f) 1889 c. 63.

## SCHEDULE

THIS DEED is made the 25th day of April One thousand nine hundred and sixty seven BETWEEN BRITISH OVERSEAS AIRWAYS CORPORATION whose principal office is situate at B.O.A.C. Headquarters Heathrow Airport (London) Hounslow in the County of Middlesex and BRITISH EUROPEAN AIRWAYS CORPORATION whose principal office is situate at Bealine House, Ruislip in the County of Middlesex (hereinafter called "the Corporations") of the first part Rankin Lorimer Weir, Derek Harding Glover, Angus John Dore Betts, Frederick Eldred, Ralph Arthur Fuller, John Reginald Gorman, John William Hawkins, Cyril Alfred Herring, Charles George Klimcke, Thomas Nisbet, John Charles William Springbett and Frank Charles Teague, 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 Air Corporations Pensions Regulations 1948 to 1965.

## WHEREAS

(1) The parties hereto are desirous of effecting certain amendments to the Rules of the Airways Corporations Joint Pension Scheme.

(2) At a meeting of the Management Trustees held on the 12th April 1967 the said Derek Harding Glover 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.

NOW IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Rule 10(e) of Part I shall be deleted and the following paragraph substituted therefor:—

"(e) If a former Member who has elected to take a deferred pension under Rule 13(b)(ii) dies before payment of such pension has commenced a death benefit shall be paid equal in amount to three times his own contributions plus compound interest thereon at the rate of 2½ per centum per annum to the date of death or to five times the annual amount of the deferred pension that would have been payable at normal retirement age whichever amount is the less".

2. In Rule 15 of Part I the words "after commencement of payment of pension" shall be substituted for the words "of retiring on pension".

3. Rule 17 of Part I shall be amended by the addition of a new paragraph to be lettered "(d)" and to read as follows:—

"(d) any former Member payment of whose deferred pension was not due to commence before 1st April 1966 may so long as he remains in other employment postpone receipt of any pension payable under Rule 13 until the normal pension age of his latest employer's pension arrangement (whether or not he is a member of that arrangement) or until age 70 whichever is the later, in which event the actuarial equivalent of the amount of his pension shall be payable from the date of commencement of payment. The former Member shall upon request submit evidence satisfactory to the Management Trustees of the continuation of circumstances which entitle him to postpone receipt of his pension".

4. Rule 12(c) of Part IV and Rule 14(c) of Part V shall be amended to read as follows:—

"(i) A pilot or Officer who remains in the employment of an Employer as General Staff may postpone receipt of such deferred pension in which event the actuarial equivalent of the amount thereof shall be payable commencing from the date selected by the Member not later than the date of the Member's leaving the employment of an Employer.

(ii) Any pensioner payment of whose deferred pension was not due to commence before 1st April 1966 may so long as he remains in other employment postpone receipt of such deferred pension (or the balance remaining payable after any surrender of pension for the purposes of Rule 9) until the normal pension age of his latest employer's pension arrangement (whether or not he is a member of that arrangement) or until age 70 whichever is the later, in which event the actuarial equivalent of the amount of such deferred pension (less any amount allocated for the purposes of Rule 9) shall be payable from the date of commencement of payment.

The Pensioner shall upon request submit evidence satisfactory to the Management Trustees of the continuation of circumstances which entitle him to postpone receipt of his deferred pension."

5. Rule 10(c) of the Rules of Part V shall be amended by the addition of the following proviso:—

"Provided further that a Widow who married a Pensioner during any period during which receipt of a pension is pursuant to Rule 14(c)(ii) postponed beyond normal retirement age under this Scheme shall not be a Qualified Widow for the purposes of this Rule."

6. Rule 28(c) of Part IV and Rule 29(c) of Part V shall both be amended by the addition of a proviso in the following terms:—

"Provided always that where a Member transfers out of this Scheme pursuant to the provisions of this paragraph of this Rule then the Management Trustees shall if such Member's new employment is participating employment for the purposes of the National Insurance Act 1965, cause the appropriate payment in lieu of contributions under the said Act to be made in respect of the said Member so transferring."

7. Rule 28(d) of Part IV and Rule 29(d) of Part V shall both be amended by the addition of a proviso in the following terms:—

"Provided always that if in respect of any Member a payment in lieu of contributions has been made to the National Insurance Fund in relation to the service in respect of which the said sum by way of transfer value is received or if in respect of a Member any previous pensionable service to be transferred was participating employment for the purposes of the National Insurance Act 1965, then the pension payable under the Rules of this Scheme shall be reduced by the amount notified to the Management Trustees by the previous employer as being the appropriate amount under the Rules of the previous employer's scheme or if no such amount is notified as aforesaid then by an amount to be ascertained in accordance with the method of calculation notified to the Management Trustees by the previous employer as being the appropriate method of calculation under the Rules of the previous employer's scheme."

8. Rule 15 of Part IV and Rule 16 of Part V shall be amended by the addition of the following paragraph:—

"(c) A Member in the service of an Employer on or after 1st May 1967 who has been employed at different times as General Staff Pilot or Officer and is not in receipt of a pension under the Scheme may elect within nine months after 1st May 1967 or within nine months after the date of change of category whichever date is the later to receive in lieu of a pension calculated in accordance with paragraph (a) of this Rule a pension calculated in accordance with the Rules applicable to the category of service in which the Member is employed at the date of leaving the service of an Employer, his service in other categories being taken into account by crediting him with such additional notional period of service in his final category as the Actuary may determine."

9. The following proviso shall be added to paragraph (b) of the additional Rule of Part I, the additional Rule of Part IV and Rule 33 of Part V:—

"Provided always that the amount to be deducted shall not exceed the maximum permissible deduction under the provisions of the National Insurance Act 1959."

10. In this Deed references to the Rules of Part IV shall include a reference to Part IV Rules—Pilots Option A, Part IV Rules—Pilots Option B, Part IV Rules—Officers Option A and Part IV Rules—Officers Option B.

11. In this Deed references to the Rules of Part V shall include a reference to Part V Rules—Pilots Option A, Part V Rules—Pilots Option B, Part V Rules—Officers Option A and Part V Rules—Officers Option B.

12. 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.

13. This Deed is conditional on its being confirmed by Regulations made by the Board of Trade 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 COMMON SEAL of BRITISH OVERSEAS  
AIRWAYS CORPORATION was hereunto affixed  
in the presence of: (L.S.)

KEITH GRANVILLE,

*Member.*

R. M. FORREST,

*Secretary.*

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

H. E. MARKING,

*Member.*

M. J. LESTER,

*Secretary.*

SIGNED SEALED AND DELIVERED by the said  
DEREK HARDING GLOVER in the presence of: D. H. GLOVER (L.S.)

D. G. DODSON,

*Asst. Secretary B.O.A.C.*

SIGNED SEALED AND DELIVERED by the said  
CHARLES GEORGE KLIMCKE in the presence  
of: C. G. KLIMCKE (L.S.)

R. M. FORREST,

*Solicitor, B.O.A.C.*

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

R. L. WEIR,

*Director.*

J. D. H. NICHOLAS,

*Assistant Secretary.*

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Airways Corporations Joint Pension Scheme. The principal changes, the details of which are specified in a Deed of which a copy is set out in the Schedule to the Regulations, are as follows :

- (1) Amendments are made to Parts I, IV and V of the Rules to enable Members who remain in employment to postpone receipt of a deferred pension until the normal pension age of their latest employer's pension arrangement, or age 70 if later. (Clauses 1, 2, 3, 4 and 5 of the scheduled Deed.)
- (2) Provision is made in Parts IV and V of the Rules for the making of a payment in lieu of contributions under the National Insurance Act 1965 where a Member transfers from the Scheme into participating employment under that Act, and for the reduction of the pension payable under the scheme where either a payment in lieu of contributions has been made in respect of the employment of a Member with a previous employer or such employment was participating employment. (Clauses 6 and 7 of the scheduled Deed.)
- (3) Members in Parts IV and V of the Scheme who are employed at different times in different capacities are given a right to elect to receive a pension calculated in accordance with the Rules applicable to the category of service in which they are employed at the date of leaving the service of an employer. (Clause 8 of the scheduled Deed.)