

1969 No. 1052

IRON AND STEEL

The Iron and Steel (Pensions) (Dependants)

Regulations 1969

<i>Made</i> - - - -	28th July 1969
<i>Laid before Parliament</i>	7th August 1969
<i>Coming into Operation</i>	1st September 1969

The Minister of Power in exercise of his powers under section 40 of the Iron and Steel Act 1949(a) (hereinafter referred to as "the Act"), as revived and amended by section 31 of the Iron and Steel Act 1967(b), and after consultation with the British Steel Corporation and such organisations as appear to him to be representative of persons concerned, hereby makes the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Iron and Steel (Pensions) (Dependants) Regulations 1969, shall come into operation on 1st September 1969 and shall have effect from 28th July 1967.

Interpretation

2.—(1) In these regulations—

"the principal regulations" means the Iron and Steel (Compensation to Employees) Regulations 1968(c), and other expressions to which a meaning is assigned by the Act or by the principal regulations have the same meaning.

(2) (a) Where under the provisions of these regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be ascertained in accordance with the tables contained in the schedule hereto in so far as they provide for the particular case.

(b) For the purpose of determining the application of the said tables the headings and the note to each table shall be treated as a part of the table.

(c) Where the said tables do not provide for a case in which an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be such as may be agreed between the Corporation and the person to whom the capital sum or annual amount is payable.

(3) The Interpretation Act 1889(d) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 1949 c. 72.

(c) S.I. 1968/1170 (1968 II, p. 3156).

(b) 1967 c. 17.

(d) 1889 c. 63.

Dependants' pensions

3.—(1) In this regulation the expression “deprived pensionable dependant” means the widow or child or other dependant of a deceased person who was immediately before his death in receipt of retirement compensation, or of a deceased person to whom retirement compensation would then have been payable had he then reached normal retiring age, being a widow, child or other dependant who under the last relevant pension scheme would have been paid an annual sum by way of pension, or as the case may be, a larger annual sum, but for the deceased person’s having suffered a loss or diminution of pension rights in consequence of a relevant event.

(2) Subject as is in these regulations provided, the Corporation shall pay annually by way of pension to a deprived pensionable dependant—

- (a) where the deceased person was in receipt of retirement compensation, the sum which bears the relevant proportion to the annual rate of that retirement compensation;
- (b) where the deceased person was not in receipt of retirement compensation, the sum which bears the relevant proportion to the annual rate of retirement compensation which he would have received under regulation 19 of the principal regulations had he become entitled to that compensation immediately before his death:

Provided that—

- (i) where by virtue of a provision of the last relevant pension scheme the annual pension which would have been paid to a deprived pensionable dependant would not have exceeded, or would not have been less than, or would have been, a specified sum, the annual pension payable under this regulation, together with any annual pension payable to the deprived pensionable dependant under the last relevant pension scheme, shall correspondingly not exceed, or shall not be less than, or shall be, that specified sum; and
- (ii) for the purpose of computing a sum payable under this regulation the annual rate at which retirement compensation is paid or would have been payable to a person shall be regarded as the rate at which it would have been paid or payable if any surrender of retirement compensation made under regulation 25 of the principal regulations or compounding of retirement compensation effected under regulation 31 of those regulations had not taken place.

(3) Where a person who suffers loss of employment in consequence of a relevant event exercises an option, contained in the last relevant pension scheme, which becomes exercisable by reason of that loss, the effect of which is that a deprived pensionable dependant ceases to be entitled to a pension upon the death of that person and that person subsequently dies, that deprived pensionable dependant shall be paid annually by way of pension by the Corporation such amount as the Corporation assess to be equivalent to that which would have been payable to such dependant had the deceased been treated under the principal regulations as having suffered a complete loss of pension rights.

(4) A pension under this regulation shall cease to be payable in circumstances in which the corresponding pension under the last relevant pension scheme would have ceased to be payable.

(5) If the corresponding pension under the last relevant pension scheme would have been increased or supplemented in specified circumstances, or

might at the discretion of the body administering that scheme have been increased or supplemented to a specified extent, the Corporation shall in those circumstances, or may at their discretion, as appropriate, increase or supplement to a proportionate extent the pension payable under this regulation, and in the exercise of this discretion the Corporation shall have regard to the terms of any relevant resolution of the body administering the pension scheme with regard to the increase of benefits.

(6) Subject to paragraph 7 hereof if the last relevant pension scheme provides for payment of an annual sum by way of pension payable under that scheme to any specified person on behalf of a child or other dependant, any pension payable under this regulation to a child or other dependant shall be paid to the person so specified on behalf of the child or dependant in the like manner and for the like period as is provided in that pension scheme, and if that pension scheme contains no such provision the payment may be made to such person on behalf of or for the benefit of a child or other dependant as the Corporation may determine.

(7) Payment of a pension to a widow under this regulation shall only be made to her direct or on her instruction, unless she is unable to give any instruction whereupon payment may be made to such person on her behalf or for her benefit as the Corporation may determine.

(8) Where an annual sum payable under this regulation does not exceed £26, the Corporation may, at their discretion, compound their liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum.

(9) In this regulation "relevant proportion" means the proportion which the last relevant pension scheme specified as being the proportion the pension which would have been payable to a deprived pensionable dependant should bear to the pension which was or would have been payable to the deceased person.

Gratuities on Death

4.—(1) In this regulation:—

(a) "deprived scheme beneficiary" means a person who, on the death of a person who immediately before his death either was in receipt of retirement compensation or would have been in receipt of such compensation had he then reached normal retiring age, would have been entitled to or eligible for the payment of a gratuity, or as the case may be, a larger gratuity, under the last relevant pension scheme but for the deceased person's having suffered a loss or diminution of pension rights, and "entitled deprived scheme beneficiary" and "eligible deprived scheme beneficiary" shall be interpreted accordingly;

(b) references to the date on which a loss or diminution of pension rights was occasioned shall be interpreted for the purposes of this regulation as they would be interpreted by virtue of regulation 16 of the principal regulations for the purposes of Part V of those regulations.

(2) Subject as is in these regulations provided, on such death as is mentioned in paragraph (1)(a) of this regulation the Corporation shall pay an entitled deprived scheme beneficiary and may pay an eligible deprived scheme beneficiary the gratuity which would have been payable under the last relevant pension scheme if the following circumstances had obtained, that is to say—

(a) where the deceased person had not been in receipt of retirement compensation, the circumstance that he had died immediately before the date

on which the loss or diminution of pension rights giving rise to a right to retirement compensation was occasioned, and where he had been in receipt of retirement compensation, the circumstance that he had retired on that date; and

- (b) except where he was in receipt of retirement compensation under regulation 20 of the principal regulations, the circumstance that he had served on that date for the further period, if any, equivalent to the aggregate of additional years appropriate to his case provided for in regulation 23(1) of the principal regulations not however exceeding—
 - (i) in the case of a deceased person who had been in receipt of retirement compensation under regulation 19 of the principal regulations the equivalent of the period which elapsed between the date on which the loss or diminution of pension rights was occasioned and the date on which he made a claim under the said regulation 19,
 - (ii) in the case of any other deceased person, the equivalent of the period which elapsed between the date on which the loss or diminution of pension rights was occasioned and the date of his death; and
- (c) where the payment of a gratuity under the last relevant pension scheme is dependent on the period which has elapsed from retirement to death, that period had been the equivalent of the period which has elapsed from the first accrual of retirement compensation to the death of the deceased person in question; and
- (d) in the case of a deceased person to whom retirement compensation was or would have been payable by reason of a diminution of pension rights having been occasioned by a diminution of emoluments, the annual or average annual emoluments to be taken into account for the purpose of calculating the amount of the gratuity or gratuities which would have been payable under the last relevant pension scheme had been equivalent to the amount of the diminution of his emoluments in the year immediately following the date on which the diminution began.

(3) (a) If any retirement compensation had been paid to the deceased, the gratuity or the aggregate of the gratuities payable under this regulation shall be reduced by a sum equivalent to the aggregate of the retirement compensation paid, or to that which would have been paid if any surrender of retirement compensation under regulation 25 of the principal regulations had not taken place.

(b) Where more than one gratuity under this regulation is paid in relation to one death, the part of the total sum to be deducted from each gratuity under this paragraph shall bear the same proportion to the total sum as the gratuity in question bears to the aggregate of the gratuities under this regulation paid in relation to that death.

(4) If, notwithstanding the deceased's having lost employment in consequence of a relevant event, a gratuity is paid to a deprived scheme beneficiary under the last relevant pension scheme, the gratuity payable under these regulations shall be reduced by the amount of the gratuity so paid.

(5) If the last relevant pension scheme made provision by virtue of which no gratuity was payable on death unless the deceased had served or contributed for not less than a specified minimum period, and he has served for less than that period, the gratuity payable under this regulation shall be reduced proportionately.

(6) Where account is taken of a period of service both for the purpose of computing a gratuity payable to a deprived scheme beneficiary under this regulation, and for the purpose of computing a gratuity payable on the death of the deceased to that beneficiary under a pension scheme (other than the last relevant pension scheme), the gratuity payable under this regulation may be reduced by an amount which bears the same proportion to the gratuity payable under that pension scheme as that period of service bears to the total period of service of which account was taken for the purpose of computing the gratuity payable under that pension scheme.

Pension Contributions

5.—(1) Except to the extent that retirement compensation paid to a deceased person has been reduced under regulation 21 of the principal regulations, a pension under regulation 3 and a gratuity under regulation 4 of these regulations shall in the aggregate be subject to a deduction in manner hereafter appearing in respect of any amount (referred to in this regulation as retained contributions”) by way of return of pension contributions (including payments made by him in respect of added years) which has not been paid or, as the case may be, repaid by him to the Corporation.

(2) (a) Where no pension is payable under regulation 3 a sum equivalent to the whole of the retained contributions shall be deducted from the gratuity payable under regulation 4.

(b) Where no gratuity is payable under regulation 4 a sum equivalent to the annual value of the whole of the retained contributions shall be deducted annually from the pension payable under regulation 3.

(c) Where both pension and gratuity are payable the annual sum to be deducted from the pension and the sum to be deducted from the gratuity shall respectively be—

- (i) the annual sum the capital value of which bears the same proportion to the whole of the retained contributions as the capital value of the pension bears to the aggregate of its capital value and the amount of the gratuity; and
- (ii) the sum which bears the same proportion to the whole of the retained contributions as the amount of the gratuity bears to that aggregate.

(3) In so far as a deduction in respect of additional voluntary contributions required to be made by regulation 29(2) of the principal regulations cannot be made under the provisions of that paragraph, a deduction shall be made from a pension or gratuity payable under these regulations.

Dated 28th July 1969.

Roy Mason,
Minister of Power.

SCHEDULE

TABLE I

Table showing the capital value of an annual amount of £1 payable to a widow until death or remarriage

Age of widow at date of widowhood	Capital value of £1 per annum as at date of widowhood	Age of widow at date of widowhood	Capital value of £1 per annum as at date of widowhood
	£ s. d.		£ s. d.
20	6 0 0	45	11 18 0
21	6 0 0	46	12 1 0
22	6 0 0	47	12 3 0
23	6 0 0	48	12 5 0
24	6 0 0	49	12 6 0
25	6 5 0	50	12 6 0
26	6 12 0	51	12 6 0
27	6 19 0	52	12 5 0
28	7 6 0	53	12 4 0
29	7 13 0	54	12 3 0
30	8 0 0	55	12 1 0
31	8 8 0	56	11 19 0
32	8 15 0	57	11 16 0
33	9 2 0	58	11 13 0
34	9 8 0	59	11 10 0
35	9 15 0	60	11 6 0
36	10 1 0	61	11 3 0
37	10 6 0	62	10 19 0
38	10 11 0	63	10 14 0
39	10 16 0	64	10 8 0
40	11 1 0	65	10 3 0
41	11 5 0	66	9 18 0
42	11 9 0	67	9 12 0
43	11 12 0	68	9 7 0
44	11 15 0	69	9 1 0
		70	8 15 0

NOTE.—This Table is for use in connection with regulation 3(8) for compounding the pension payable to a widow. It should also be used where a deduction under regulation 5 falls to be apportioned between the pension payable under regulation 3 and the gratuity payable under regulation 4 for ascertaining the capital value of that pension.

TABLE II

Table showing the annual amount payable to a widow until death or remarriage equivalent in value to a lump sum of £100

Age of widow at date of widowhood	Annual amount equal in value to a lump sum of £100	Age of widow at date of widowhood	Annual amount equal in value to a lump sum of £100
	£ s. d.		£ s. d.
20	16 13 4	45	8 8 1
21	16 13 4	46	8 6 0
22	16 13 4	47	8 4 7
23	16 13 4	48	8 3 3
24	16 13 4	49	8 2 7
25	16 0 0	50	8 2 7
26	15 3 0	51	8 2 7
27	14 7 9	52	8 3 3
28	13 14 0	53	8 3 11
29	13 1 5	54	8 4 7
30	12 10 0	55	8 6 0
31	11 18 1	56	8 7 4
32	11 8 7	57	8 9 6
33	10 19 9	58	8 11 8
34	10 12 9	59	8 13 11
35	10 5 2	60	8 17 0
36	9 19 0	61	8 19 5
37	9 14 2	62	9 2 8
38	9 9 7	63	9 6 11
39	9 5 2	64	9 12 4
40	9 1 0	65	9 17 0
41	8 17 9	66	10 2 0
42	8 14 8	67	10 8 4
43	8 12 5	68	10 13 11
44	8 10 3	69	11 1 0
		70	11 8 7

NOTE.—This Table is for use in connection with regulation 5(2) for ascertaining the annual amount by which the pension payable to a widow is to be reduced in the circumstances described in that paragraph. If a deduction falls to be apportioned between the pension payable under regulation 3 and the gratuity payable under regulation 4, the capital value of the pension payable to a widow should be ascertained by reference to Table I.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide for payment by the British Steel Corporation of pensions or gratuities to the widow, children, other dependants or beneficiaries of a deceased person receiving or prospectively entitled to retirement compensation under the Iron and Steel (Compensation to Employees) Regulations 1968, who have lost benefits under the pension scheme associated with the employment to which that deceased person last belonged.

Regulation 1, in exercise of the power conferred by section 40(8) of the Iron and Steel Act 1949 as revived and amended by section 31 of the Iron and Steel Act 1967, provides that these regulations shall have effect from 28th July 1967.