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SCHEDULE 1

The New Provisions

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APPENDIX 2—RULES OF THE CAA SECTION

PART 2:

BENEFITS AND THE ADMINISTRATION OF BENEFITS

37.

APPLICATION OF DEATH BENEFITS

37.1 In respect of any benefit which is expressed to be payable under the CAA Section in accordance with this Rule the Trustees shall, subject to Rule 37.3, as soon as practicable after the Member's death pay such benefit to the Member's personal representatives and/or pay or apply such benefit to or for the benefit of any one or more of the Member's Dependants and Relations living or conceived but not yet born at the Member's death and/or such persons or bodies as the Member may have notified in writing to the Trustees (as being persons or bodies whom the Member wishes the Trustees to consider as possible recipients of any benefit payable from the CAA Section on the Member's death) and/or people who would be entitled to benefit from the Member's estate (whether by testamentary disposition or under the law relating to intestacy) in such shares and in such manner as the Trustees shall decide. In exercising this discretion the Trustees may have regard to but shall not be bound by any wishes notified to the Trustees by the Member. The Trustees may in exercise of their discretion under this Rule pay such lump sum or any part thereof to trustees to hold upon such trusts and subject to such powers and provisions as the Trustees may direct and in this connection the Trustees shall have power to declare trusts and appoint separate trustees thereof and provide for their remuneration.

37.2 If at the end of the period of two years after the Member's death the Trustees shall not have made the said payment or shall have made payment of only part of the benefit aforesaid the Trustees shall pay the whole or the balance (as the case may be) of such benefit to the Member's personal representatives, except that if the residuary estate of the Member falls to be treated as bona vacantia belonging to the Crown or to the Duchy of Lancaster or to the Duchy of Cornwall the said benefit or such balance thereof shall not be payable but shall fall into and form part of the assets of the CAA Section for all the purposes of the CAA Section.

37.3 In the case of a Member of the CAA Section who has died while in Service and who at the date of his death was a Controlling Director who had reached his 75th birthday, Rule 37.1 shall not apply and the said benefit shall instead be paid to his Spouse (if any), or if he leaves no Spouse then to his personal representatives.

37.4 In this Rule 37:

Dependents means in respect of a Member of the CAA Section, the persons included within the definition of Dependant in Appendix 1 and also includes any other person or persons towards whose maintenance or education the Member has contributed in cash or otherwise; and

Relations means in respect of a Member of the CAA Section:

- (a) the widow or widower of the Member or any former spouse of the Member,
- (b) any Child or other descendant of the Member and the spouse or widow or widower of any such Child or other descendant,
- (c) the father or mother (whether natural or adoptive) or other ancestor of the Member or his spouse and the widow or widower of such father or mother or other ancestor,
- (d) any brother or sister (whether of the whole blood or the half blood and whether natural or adoptive) of the Member or his spouse and the widow or widower of any such person, and

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(e) the children and grandchildren of the Member's grandparents and of the grandparents of his spouse, and the spouse of any such child or grandchild

(and for this purpose Child includes a stepchild, a legally adopted child and a child to whom in the opinion of the Trustees the Member or other person as appropriate stands or would but for the Member's death have stood in the place of a parent).

37.5 Before making any payment in accordance with this Rule 37 the Trustees shall have regard, where appropriate, to any order of the Court made in accordance with the Matrimonial Causes Act 1973⁽¹⁾.

(1) 1973 c. 18.