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## SCHEDULE 1

### The New Provisions

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## APPENDIX 3—RULES OF THE NATS SECTION

### PART 2:

### BENEFITS AND THE ADMINISTRATION OF BENEFITS

#### 40.

##### **MEMBER'S CATEGORY OPTION**

**40.1** All Members of the NATS Section shall be Class B Members and their benefits from the NATS Section shall be subject to the provisions of Section B of Appendix 4 except for any Member who gives notice in accordance with Rule 40.2 that he wishes to be treated as a Class A Member.

**40.2** A Class B Member who wishes to be treated for the purposes of the NATS Section as a Class A Member shall before his Latest Option Date and before attaining age 75 give written notice to the Administrator in such form as the Administrator shall require. Such Member shall be treated for the purposes of the NATS Section as a Class A Member and the provisions of Section A of Appendix 4 shall apply to his benefits under the NATS Section instead of Section B of Appendix 4.

#### **41. NON-ASSIGNABILITY, FORFEITURE AND UNCLAIMED BENEFITS**

**41.1** No benefit provided from the NATS Section is capable of being assigned or charged in any way.

**41.2** Any person who:

- (a) purports or attempts to assign, charge or alienate in whole or in part any benefit or right to benefit to which he is entitled or may become entitled under the NATS Section; or
- (b) is bankrupt when he first becomes entitled to a benefit under the NATS Section; or
- (c) becomes bankrupt whilst in receipt of a pension from the NATS Section; or
- (d) does or suffers anything whereby such benefit or right to benefit would but for this Rule 41 become vested in or payable to any other person or body,

shall, subject always to the provisions of sections 91 and 92 of the Pensions Act 1995, immediately forfeit all right to the payment of benefit or further benefit from the NATS Section other than Guaranteed Minimum Pension, provided always that if the Trustees in their discretion so determine they may commence or resume payment of any benefit forfeited under this Rule by reason of the bankruptcy of any person if that person is discharged from such bankruptcy and provides evidence of such discharge satisfactory to the Trustees.

**41.3** Where a benefit payable under the NATS Section to any person has been forfeited by operation of Rule 41.2, the Trustees shall have power at their discretion to hold, pay or apply such benefit for the support and maintenance of that person or his Spouse or children or other Dependents or any of them, provided always that payment shall not be made to any person purporting to be an assignee or chargee of such benefit.

#### **Unclaimed benefits**

**41.** The Trustees shall have power if in the exercise of their discretion they so determine to place any monies representing benefits payable under the NATS Rules to which a claim enforceable under the provisions of the NATS Rules is not made within six years of their becoming payable to the credit of the Section Assets of the NATS Section and no person shall thereafter have any further claim to or interest in such benefits.