

[18 & 19 GEO. 5.] *Scottish Insurance* [Ch. xxxviii.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.



CHAPTER xxxviii.

An Act to amend the Scottish Insurance Companies (Superannuation Fund) Order 1914 to alter the constitution of and confer further powers upon the Scottish Insurance Companies Superannuation Fund Committee to alter and extend the benefits provided out of the Scottish Insurance Companies Superannuation Fund and for other purposes. [2nd July 1928.]

A.D. 1928.

WHEREAS it is expedient that an alteration should be made in the constitution of the Scottish Insurance Companies Superannuation Fund Committee and that further powers should be conferred on the said Committee and that members thereof should be empowered to vote by proxy as in this Act provided :

And whereas it is expedient that certain alterations should be made in the allowances on superannuation and disablement provided by the Scottish Insurance Companies (Superannuation Fund) Order 1914 and that payment should be made out of the Scottish Insurance Companies Superannuation Fund of pensions to widows and orphans as provided in this Act :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent

[Ch. xxxviii.] *Scottish Insurance [18 & 19 GEO. 5.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.*

A.D. 1928. — of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title
and
citation.

1. This Act may be cited for all purposes as the Scottish Insurance Companies (Superannuation Fund) Order 1914 (Amendment) Act 1928 and this Act and the Order of 1914 may be cited together as the Scottish Insurance Companies (Superannuation Fund) Order and Act 1914 and 1928.

Interpreta-
tion.

2. In this Act (unless there be something in the subject or context repugnant to such construction) the following expressions have the meanings hereby respectively assigned to them (that is to say) :—

The expression “the Order of 1914” means the Scottish Insurance Companies (Superannuation Fund) Order 1914 ;

The expression “the companies” means the companies and societies named in the first column of the First Schedule to the Order of 1914 with the exception of the Edinburgh Life Assurance Company ;

The expression “the Act of 1925” means so far as this Act relates to employees in Great Britain the Widows’ Orphans’ and Old Age Contributory Pensions Act 1925 and so far as this Act relates to employees in Northern Ireland the Widows’ Orphans’ and Old Age Contributory Pensions Act (Northern Ireland) 1925 ;

The expression “child” includes a step-child ;

The expression “orphan” means a child both of whose parents are dead.

Subject to the provisions of this Act the expressions (other than the expression “the companies”) to which meanings are assigned by the Order of 1914 shall in this Act have the same respective meanings unless the context otherwise requires.

Exclusion
of Edin-
burgh Life
Assurance

3. The provisions of the Order of 1914 shall cease to apply to the Edinburgh Life Assurance Company (now Edinburgh Assurance Company Limited) and that

[18 & 19 GEO. 5.] *Scottish Insurance* [Ch. xxxviii.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

A.D. 1928.

company shall cease to be represented on the Committee and the Order of 1914 so far as the same relates to that company is hereby repealed.

—
 Company
 from
 Committee.

4. Any member of the Committee may from time to time appoint a proxy to attend and vote on his behalf at any annual or special meeting or meetings of the Committee and such proxy shall be entitled to attend and vote accordingly. Provided (i) that no person shall be qualified to act as a proxy who is not an officer of one of the companies (ii) that the document appointing the proxy shall be in writing under the hand of the appointor and shall specify the period (being not more than one year) within which it may be employed and (iii) that the document appointing the proxy may only be employed within the period so specified and may be revoked at any time by notice in writing to the secretary of the Committee.

Voting by
 proxy.

5. Subject to the provisions of this Act—

Extended
 benefits.

(1) From and after the first day of July one thousand nine hundred and twenty-eight—

(a) every employee of each of the companies in Great Britain and Northern Ireland whose remuneration for the time being does not exceed two hundred and fifty pounds per annum shall be entitled out of the fund as a term of his or her employment to the minimum allowances on superannuation and disablement (hereinafter referred to as "the minimum allowances") specified in the First Schedule to this Act in lieu of the minimum allowances provided under the Order of 1914; and

(b) every such employee (i) whose remuneration in the service of any of the companies has on or after the first day of July one thousand nine hundred and twenty-eight been at the rate of two hundred and fifty pounds per annum or less and has been or shall be increased to a rate exceeding two hundred and fifty pounds per annum (ii) who shall comply with the conditions hereinafter mentioned and

[Ch. xxxviii.] *Scottish Insurance* [18 & 19 GEO. 5.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

A.D. 1928.

(iii) who shall not have forfeited the rights of a beneficiary as hereinafter provided shall be entitled out of the fund as a term of his or her employment to the minimum allowance on superannuation specified in paragraph (1) of the First Schedule to this Act :

- (2) The widow of every such employee as is mentioned in the immediately preceding subsection or of any person in receipt of the minimum allowances or either of such allowances who shall die on or after the first day of July one thousand nine hundred and twenty-eight shall be entitled to receive out of the fund a widow's pension of the amount and on the terms prescribed in the Second Schedule to this Act :
- (3) Each orphan of every such employee as aforesaid or of any person in receipt of the minimum allowances or either of such allowances who shall die on or after the first day of July one thousand nine hundred and twenty-eight shall be entitled to receive out of the fund an orphan's pension of the amount and on the terms prescribed in the Third Schedule to this Act :
- (4) Where an additional allowance is payable in respect of a child and the widow who was entitled to the widow's pension as part of which the additional allowance was or had been payable dies an orphan's pension shall be payable in respect of the child and where the wife of such an employee as aforesaid has predeceased him and if she had survived him and died immediately after she had become entitled to a widow's pension an orphan's pension would under the foregoing provision of this subsection have been payable in respect of any child an orphan's pension shall on the death of the employee be payable in respect of that child :
- (5) So long as any person is in receipt of any allowance or pension under this section he or

[18 & 19 GEO. 5.] *Scottish Insurance* [Ch. xxxviii.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

she shall not be entitled to payment of any other allowance or pension under the Order of 1914 or this Act unless the Committee otherwise determine and no pension shall be payable to an orphan if and so long as an allowance is being made as part of her pension to a widow in respect of such orphan : A.D. 1928.
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- (6) No additional allowance in respect of any child shall be made under this Act if and so long as an additional allowance is payable in respect of such child under the Act of 1925 and no pension shall be payable under this Act to an orphan if and so long as such orphan is entitled to an orphan's pension under the Act of 1925 Provided that this subsection shall have no application in the case of an additional allowance or orphan's pension payable under the Act of 1925 in respect of the insurance as a voluntary contributor of any such employee as aforesaid or of any person in receipt of the minimum allowances or either of such allowances.

6. The conditions to be complied with in the case of employees whose remuneration has been or shall be increased as aforesaid shall be as follows :— Conditions in case of employees with salaries in excess of prescribed limit.

- (1) Every such employee shall within three months (or such longer period as the Committee may in any case allow) after the date when the increase in remuneration takes effect give written notice to the Committee or to the company in whose service he or she then is of his or her intention to remain a beneficiary of the fund :
- (2) Every such employee shall pay to the Committee at such periods as the Committee may determine contributions to the fund from the date of increase of remuneration at the rate of 9*d.* per week in the case of men and 4½*d.* per week in the case of women or at such other rates as may hereafter be substituted for the rates of contribution set out in the second column of Part I of the First Schedule to the Act of 1925 :

[Ch. xxxviii.] *Scottish Insurance* [18 & 19 GEO. 5.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

A.D. 1928

Provided—

(a) That in the event of such employee's contributions being six months in arrear and of his or her failing to comply with a written notice thereafter given by the Committee requiring him or her to pay the said arrears within one month after the date of such notice the Committee may intimate to such employee the forfeiture of all rights to the minimum allowance on superannuation and widows' and orphans' pensions in respect of such employee and on such intimation being given the said rights shall be forfeited accordingly;

(b) When any employee's contributions are in arrear but his or her rights have not yet been forfeited any arrears of contributions which may be due by such employee shall be deducted from the minimum allowance on superannuation or pensions payable in respect of such employee:

(3) The Committee may make rules regulating the times and method of payment of the contributions payable under this section.

Additional
benefits.

7. The Committee may with the consent of all the companies pay or provide out of the fund to any employees or former employees of the companies or to the widows or orphans or other dependents of such employees or former employees such additional benefits allowances pensions or gratuities (hereinafter referred to as "additional benefits") and subject to such conditions if any (including payment to the Committee by such employees or former employees of contributions in respect of such additional benefits) all as the Committee may with the approval of all the companies from time to time determine.

Application
of section 14
of Order of
1914.

8. The Committee shall pay into the fund the contributions of employees payable under this Act and shall provide out of the fund the minimum allowances and pensions prescribed by this Act and any additional benefits which the Committee may have determined to pay and subject to the provisions of this Act section 14

[18 & 19 GEO. 5.] *Scottish Insurance* [Ch. xxxviii.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

(Contributions to the fund) of the Order of 1914 shall apply to the minimum allowances pensions and additional benefits payable under this Act in the same way as it applies to the minimum allowances and additional and other allowances payable under the Order of 1914. A.D. 1928.

9.—(1) In the event of any employee entitled to the minimum allowances and pensions payable under this Act having the rate of his or her remuneration increased to a rate exceeding two hundred and fifty pounds per annum and failing to give notice in terms of this Act of his or her intention to remain a beneficiary of the fund or in the event of such employee ceasing to be employed by any of the companies or otherwise forfeiting his or her claim upon the fund the company by which he or she is employed or was last employed as the case may be shall receive payment out of the fund of such sum as the Committee shall fix as representing the liability of the fund in respect of such employee. Cesser or forfeiture of benefits and transfer of beneficiaries.

(2) In the event of any employee who is entitled to the minimum allowances or minimum allowance on superannuation and pensions payable under this Act transferring his or her services from one to another of the companies his or her right to the minimum allowances or minimum allowance on superannuation and pensions shall continue as if he or she had remained in the service of the former company. The company whose service such employee has left shall receive payment from the Committee out of the fund of such sum as the Committee shall fix as representing the liability of the fund in respect of him or her and the company to which such employee has transferred his or her services shall make payment to the Committee for behoof of the fund of the sum so fixed or otherwise shall contribute to the fund in respect of such employee at the rate fixed by the Committee according to the age such employee has attained.

(3) Any sum receivable by any company out of the fund in virtue of subsections (1) and (2) of this section shall be received by the company by way of deduction from contributions payable by such company to the fund under this Act during the period of three years next ensuing after such sum shall have been fixed as aforesaid and in so far as such sum shall exceed the amount

[Ch. xxxviii.] *Scottish Insurance* [18 & 19 GEO. 5.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

A.D. 1928. — of such contributions the excess shall be paid to the company on the expiry of said period.

Contri-
butions
payable by
companies.

10. Subject to the provisions of this Act as to payment of contributions by certain beneficiaries of the fund all contributions required for the provision of the minimum allowances and pensions payable under this Act shall be paid entirely and solely by the companies without recourse against any employee.

Allowances
to be
alimentary.

11. The minimum allowances and pensions payable under this Act shall be strictly alimentary in the person of the recipient and every assignation of or charge on and every agreement to assign or charge the minimum allowances or pensions shall be void.

Voluntary
allowances.

12. In case any one or more of the companies in pursuance of an arrangement between the Committee such company or companies and any employee who is or was in the service of such company or companies and who is entitled to the minimum allowances or minimum allowance on superannuation or pensions payable under this Act shall make to such employee or to the widow or orphan of such employee who is entitled to a pension as provided in this Act an allowance or pension equal to or in excess of the corresponding allowance or pension to which such employee or such widow or orphan would have been entitled under this Act the Committee on satisfactory evidence of such allowance pension or benefit having been paid to such employee widow or orphan shall pay to such company the sum which the said employee widow or orphan would otherwise have been entitled to receive out of the fund.

Temporary
sickness
and dis-
ablement
allowance.

13. Every employee of each of the companies in Great Britain and Northern Ireland the rate of whose remuneration does not exceed two hundred and fifty pounds per annum shall be entitled to receive from the company with which he or she is employed as a term of his or her employment a temporary sickness or disablement benefit at the rate of three pounds fifteen shillings per month while rendered incapable of work by some specific disease or bodily or mental disablement from the fourth day after the commencement of incapacity during a period not exceeding six months.

[18 & 19 GEO. 5.] *Scottish Insurance* [Ch. xxxviii.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

14. The Committee shall cause the accounts relating to the minimum allowances and pensions payable under this Act to be kept separately from the accounts of the additional and other allowances under section 21 of the Order of 1914 and the accounts of the additional benefits under this Act and to be separately investigated at each periodical investigation of the fund Any surplus appearing in respect of the minimum allowances and pensions on such investigation shall be separately dealt with by the Committee and in case of a deficiency the companies shall be jointly and severally liable to make good the same each contributing in proportion to the ascertained liability at the date of the investigation in respect of its employees entitled to the minimum allowances and pensions.

A.D. 1928.

—
Accounts.

15. The companies may apply their funds in and towards the payment to the Committee for behoof of the fund of the contributions and other payments contemplated and provided for in the Order of 1914 as amended by this Act and in or towards any other purpose of this Act notwithstanding in case of any of the companies that such application is not authorised by any Act or Order relating to that company.

Powers of
companies.

16. Nothing in this Act shall operate to repeal or otherwise affect the provisions of the Order of 1914 so far as the same relate to the Irish Free State or to employees of the companies in that State.

Saving for
employees
in Irish
Free State.

17. Subject to the provisions of the immediately preceding section of this Act the following provisions of the Order of 1914 are hereby repealed :

Repeal of
certain
sections of
Order of
1914.

- Section 15 (Beneficiaries of fund) ;
- Section 17 (Allowances to be alimentary) ;
- Section 18 (Transfer of beneficiaries) ;
- Section 19 (Contributions payable by companies) ;
- Section 20 (Relief of companies making payments to beneficiaries) ;
- Section 23 (Accounts) ;
- Section 25 (Powers of companies) ;
- The Second Schedule ;

[Ch. xxxviii.] *Scottish Insurance* [18 & 19 GEO. 5.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

A.D. 1928. but without prejudice to anything done under those sections or that schedule previously to the passing of this Act.

Application
of Assur-
ance
Companies
Act 1909
in certain
events.

18. Nothing in this Act shall be deemed to authorise the Committee or the fund to carry on any class of assurance business as defined in the Assurance Companies Act 1909 or shall be deemed to exempt the Committee or the fund from the provisions of that Act or of any general Act relating to assurance companies in the event of their carrying on such business.

Costs of
Act.

19. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the companies in proportion to the respective numbers of their employees entitled as at the first day of May one thousand nine hundred and twenty-eight to the minimum allowances provided by the Order of 1914.

[18 & 19 GEO. 5.] *Scottish Insurance* [Ch. xxxviii.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1928.

THE FIRST SCHEDULE.

MINIMUM ALLOWANCES.

(1) SUPERANNUATION. — A superannuation allowance on reaching the age of sixty-five :—

- (a) After not less than five and less than twenty years' service £26 a year for the remainder of life :
- (b) After twenty years' service or more twenty-eightieths of the average salary for the five years preceding the date of retirement with one-eightieth for every completed year's service beyond twenty with a minimum of £26 a year and a maximum of half the average salary or £125 a year whichever be the less.

(2) DISABLEMENT.—A disablement allowance in case of incapacity for work consequent upon disease or bodily or mental disablement for more than six months at the rate of £1 17s. 6d. per month to commence on the expiry of six months and to continue while incapacity lasts but not in any case after the employee becomes entitled to a superannuation allowance.

THE SECOND SCHEDULE.

WIDOWS' PENSIONS.

To the widow of every employee and of any person in receipt of a superannuation allowance or disablement allowance under this Act who dies on or after 1st July 1928 a widow's pension of 10s. a week from the date of the death of such employee or other person during the life of such widow unless and until she remarries with an additional allowance (as part of the pension) in respect of children of such employee or person while under the age of sixteen at the rate of 5s. per week for the eldest or only child and 3s. per week for each other such child :

Provided—

- (i) That the widow of an employee or other person as aforesaid who had attained the age of sixty at the date of the marriage shall not if the marriage took

[Ch. xxxviii.] *Scottish Insurance* [18 & 19 GEO. 5.]
Companies (Superannuation Fund) Order 1914
(Amendment) Act, 1928.

A.D. 1928.

place after 29th April 1925 be entitled to a pension unless either—

- (a) There are or have been one or more children of the marriage ; or
 - (b) At the date of the death of her husband three or more years have elapsed since the date of the marriage ; or
 - (c) She was immediately before the marriage in receipt of a widow's pension under this Act or under the Act of 1925;
- (ii) That if for any reason other than the death of the widow the widow's pension ceases to be payable before the expiration of the time during which the additional allowance in respect of children is payable such cessation shall not affect the continuation of the additional allowance ; and
- (iii) That in the case of any widow who attains the age of seventy no pension shall be payable under this Act if and so long as such widow is entitled to receive a pension of not less than 10s. per week under the Old Age Pensions Acts 1908 to 1924 or the Old Age Pensions Acts (Northern Ireland) 1908 to 1925.

THE THIRD SCHEDULE.

ORPHANS' PENSIONS.

To or for behoof of each orphan of an employee or person in receipt of a superannuation allowance or disablement allowance who dies on or after 1st July 1928 an orphan's pension at the rate of 7s. 6d. per week from the death of such employee or other person or the date of the death of the widow who was entitled as part of a widow's pension to an additional allowance in respect of such orphan whichever be the later until such orphan attains the age of sixteen The orphan's pension shall be payable to the guardian or other person having charge of such orphan.

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