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*Act, 1939.*



**CHAPTER xxvii.**

An Act to make further provision with regard to the superannuation fund of The King Edward the Seventh Welsh National Memorial Association and for other purposes. [25th May 1939.]

**W**HEREAS The King Edward the Seventh Welsh National Memorial Association (in this Act called "the Association") are a corporate body established by a royal charter which was granted by His late Majesty King George the Fifth on the seventeenth day of May nineteen hundred and twelve :

And whereas the affairs of the Association are regulated by the provisions of the said royal charter and of supplemental royal charters which were granted by His said late Majesty on the twelfth day of February nineteen hundred and seventeen and the first day of August nineteen hundred and twenty-three respectively and also by an order of the Chancery Division of the High Court of Justice which is dated the fifteenth day of November nineteen hundred and thirty :

And whereas the principal objects of the Association as laid down in the said charters are the prevention and the eradication in Wales and the county of Monmouth of tuberculosis and other diseases and in particular the provision for the benefit of Wales and the said county of Monmouth of treatment either in sanatoria or other institutions or otherwise for persons suffering from tuberculosis or such other diseases as the Minister of

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Health and the Treasury may approve and (for the like benefit) the provision and equipment and maintenance of any such institutions and the promotion of researches and educative and preventive measures in relation to tuberculosis and any such diseases as aforesaid :

And whereas by the said order the Association were authorised to establish a superannuation fund for the provision of payments or other allowances on death superannuation resignation retirement or discharge to persons then or thereafter in the employment of the Association and by the said order it was provided that the provisions of the superannuation scheme which were contained in schedule B to the scheme referred to in the said order should apply to such fund :

And whereas in accordance with the authority granted by the said order the Association have established a superannuation fund :

19 & 20  
Geo. 5.  
c. 17.

And whereas it is provided by subsection (3) of section 102 of the Local Government Act 1929 that the Minister of Health shall before the beginning of each fixed grant period (as defined in subsection (2) of section 86 of that Act) after consultation with the councils of counties and county boroughs in Wales and Monmouthshire make a scheme for the payment by those councils to the Association of contributions of such amount as may be specified in the scheme towards the expenses of the services in connection with the treatment of persons suffering from tuberculosis provided by the Association :

1 Edw. 8. &  
1 Geo. 6.  
c. 68.  
2 & 3 Geo. 6.  
c. 18.

And whereas it is expedient that the Local Government Superannuation Acts 1937 and 1939 should be made applicable to the Association on the terms and conditions in this Act contained :

And whereas it is expedient that the other provisions contained in this Act be enacted :

And whereas the purposes of this Act 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

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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) :—

1. This Act may be cited as The King Edward the Seventh Welsh National Memorial Association Act 1939. Short title.

2. In this Act unless the subject or context otherwise requires— Interpreta-  
tion.

(a) The following words and expressions have the meanings hereby assigned to them respectively (that is to say) :—

“ the Association ” means The King Edward the Seventh Welsh National Memorial Association acting through the council of the Association ;

“ the order of the court ” means the order in the matter of the Association which is dated the fifteenth day of November nineteen hundred and thirty and made by the Chancery Division of the High Court of Justice ;

“ the court scheme ” means the scheme referred to in the order of the court ;

“ the court superannuation scheme ” means the superannuation scheme contained in schedule B to the court scheme ;

“ the existing superannuation fund ” means the superannuation fund established by the Association under the authority of the order of the court ;

“ the Act of 1922 ” means the Local Government and other Officers’ Superannuation Act 1922 ; 12 & 13  
Geo. 5.  
c. 59.

“ the principal Acts ” means the Local Government Superannuation Acts 1937 and 1939 ;

“ the Act of 1937 ” means the Local Government Superannuation Act 1937 ;

“ the appointed day ” means the first day of October nineteen hundred and thirty-nine ;

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“existing contributor” means an officer or servant who on the appointed day was in the employment of the Association and who immediately before that day occupied a post designated as an established post for the purposes of the court superannuation scheme;

“the Minister” means the Minister of Health;

“the revenues of the Association” has the same meaning as in the court scheme and includes the contributions payable to the Association in pursuance of the scheme made by the Minister under subsection (3) of section 102 of the Local Government Act 1929;

(b) Except as in this Act otherwise provided words and expressions to which meanings are assigned by the principal Acts have the same respective meanings.

Applica-  
tion of  
principal  
Acts.

**3.**—(1) Subject to the provisions of this Act the principal Acts shall apply to the Association as if the Association were a local authority required to maintain a superannuation fund under Part I of the Act of 1937 and in relation to any employee of the Association (including an employee who had become subject as an officer or servant to the court superannuation scheme) as if the Association were a local authority not being either a local authority specified in Part I of the First Schedule to the Act of 1937 or a local Act authority.

(2) For the purpose of such application the principal Acts shall have effect as if—

(a) The Association had passed a statutory resolution under paragraph (c) of subsection (2) of section 3 of the Act of 1937 specifying every existing contributor as a contributory employee;

(b) In the proviso to subsection (1) of section 6 of the Act of 1937 the reference to subsection (3) of section 15 of the Act of 1922 included a reference to subclause (3) of clause 12 of the court superannuation scheme;

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- (c) In section 10 of the Act of 1937 references to the aggregate amount of an employee's contributions to a superannuation fund included references to any contributions paid by him to the existing superannuation fund ;
- (d) In subsection (1) of section 12 of the Act of 1937 the words " the court superannuation scheme " were substituted for the words " the Act of 1922 " wherever those words appear and in subsection (4) of the said section the words " subclause (1) of clause 6 of the court superannuation scheme " were substituted for the words " subsection (2) of section 8 of the Act of 1922 " ;
- (e) There were inserted after section 13 of the Act of 1937 the following new section :—
- Reckoning  
of non-  
contributing  
service in  
the case of  
transfer &c.
- " 13A. Where a contributory employee of The King Edward the Seventh Welsh National Memorial Association ceases to be employed by them but within twelve months after so ceasing becomes a contributory employee under another local authority he shall be entitled to reckon as non-contributing service all service which in relation to his employment under the Association he was entitled to reckon as such immediately before he ceased to be employed by them " ;
- (f) For the purposes of subsection (1) of section 21 and subsections (2) and (3) of section 22 of the Act of 1937 the existing superannuation fund were a superannuation fund which the Association were maintaining under the Act of 1922 ;
- (g) Section 39 of the Act of 1937 did not apply to the Association or their employees ;
- (h) In subsection (1) of section 40 of the Act of 1937—
- (i) The references in the definitions of " additional contributory payment "

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“designated employee” and “disqualifying break of service” to the Act of 1922 included references to the court superannuation scheme;

(ii) There were substituted for the definition of “appointed day” the following words namely “‘appointed day’ means the ‘first day of October nineteen hundred and thirty-nine.’”

(3) The Minister may by order—

(a) make such other adaptations in or modifications of the principal Acts as appear to him to be necessary for the purpose of giving full effect to the foregoing provisions of this Act; and

(b) from time to time amend or revoke any order previously made under this subsection.

Modification of rules and regulations under Act of 1937.

4. In their application to the Association and the employees of the Association any rules or regulations made by the Minister under the Act of 1937 may be modified by him in such manner as he may think fit.

Existing superannuation scheme to terminate.

5. As from the appointed day the court superannuation scheme together with clause 9 of the court scheme shall cease to have any further operation.

Power to borrow.

6.—(1) The Association shall have power in addition and without prejudice to any other powers of borrowing which have been conferred upon them to borrow at interest the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within a period of five years from the passing of this Act.

(2) The provisions of the order of the court and of the court scheme shall with any necessary modifications apply to and in respect of any money borrowed by the Association in pursuance of this section as if the same were money borrowed in pursuance of the court scheme.

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7. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Association out of the revenues of the Association or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

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