

CIVIL AVIATION

AIR CORPORATIONS

1953 No. 611

The Airways Corporations (General Staff Pensions) (Amendment) Regulations, 1953

Made - - - - 31st March, 1953

The Minister of Civil Aviation, in exercise of the powers conferred upon him by Section 21 of the Air Corporations Act, 1949(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) The Pension Scheme established and maintained by virtue of the Airways Corporations (General Staff Pensions) Regulations, 1948(b), as amended (c) (d), in accordance with the provisions of the Trust Deed, a copy of which is set out in the Schedule to those Regulations, shall be in accordance with the provisions of that Trust Deed, as amended by Deeds, copies of which are set out in the Airways Corporations (General Staff Pensions) Regulations, 1950(c), and the Airways Corporations (Pilots Pensions) Regulations, 1951(d) and as further amended by a Deed dated the twenty-fourth day of March, 1953, a copy of which is set out in the Schedule to these Regulations.

(a) 12, 13 & 14 Geo. 6. c. 91.

(b) S.I. 1948/2361; Rev. I, p. 1275; 1948 I, p. 437.

(c) S.I. 1950/2056; 1950 I, p. 341.

(d) S.I. 1951/527; 1951 I, p. 243.

(2) The said Deed dated the twenty-fourth day of March, 1953, is accordingly confirmed and shall come into force on the thirty-first day of March, 1953.

2.—(1) These Regulations may be cited as the Airways Corporations (General Staff Pensions) (Amendment) Regulations, 1953, and shall come into force on the thirty-first day of March, 1953.

(2) The Interpretation Act, 1889(a) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Dated this thirty-first day of March, 1953.

Alan Lennox-Boyd,
Minister of Civil Aviation.

SCHEDULE

THIS DEED is made the twenty-fourth day of March One thousand nine hundred and fifty-three BETWEEN BRITISH AIRWAYS CORPORATION whose principal office is situate at Airways House Great West Road Brentford in the County of Middlesex and BRITISH EUROPEAN AIRWAYS CORPORATION whose principal office is situate at Keyline House Northolt in the County of Middlesex aforesaid (hereinafter called "the Corporations") of the first part THE RIGHT HONOURABLE LORD KERSHAW RANKIN LORIMER WEIR ROBERT WATSON BERNARD GEORGE PORTER JAMES OGILVY BLAIR-CUNYNGHAME BASIL SMALLPEICE JAMES MILLER EDWIN JOHN CURTIS AVON SPURGIN LUCKING CHARLES EDWARD PHILLIPS ALAN MURRAY CAPTAIN CHARLES GEORGE KLIMCKE the Management Trustees for the time being of The Airways Corporations Joint Pension Scheme (hereinafter called "the Management Trustees") of the second part and AIRWAYS CORPORATIONS JOINT PENSION FUND TRUSTEES LIMITED (hereinafter called "the Custodian Trustees" which expression shall include the Custodian Trustees for the time being) of the third part and is SUPPLEMENTAL (a) to a Deed dated the Eighth day of October One thousand nine hundred and forty-eight between British Overseas Airways Corporation British European Airways Corporation and British South American Airways Corporation of the first part and Grahame Temple Meller and others of the second part and Airways Corporations Joint Pension Fund Trustees Limited of the third part which Deed (hereinafter called "the 1948 Deed") was confirmed by the Minister of Civil Aviation pursuant to Section 20 of the Civil Aviation Act, 1946, by Regulations made the Twenty-fifth day of October One thousand nine hundred and forty-eight (b) to a Deed (hereinafter called "the 1950 Deed") made the Thirteenth day of September One thousand nine hundred and fifty between British Overseas Airways Corporation and British European Airways Corporation of the first part John Edward Valentine Tyzack and others of the second part and Airways Corporations Joint Pension Fund Trustees Limited of the third part which Deed was confirmed by the Minister of Civil Aviation pursuant to Section 21 of the Air Corporations Act, 1949, by Regulations made the Eleventh day of December One Thousand nine hundred and fifty and (c) to a Deed (hereinafter called "the 1951 Deed") made the Sixteenth day of February One thousand nine hundred and fifty-one between British Overseas Airways Corporation and British European Airways Corporation of the first part and John Edward Valentine Tyzack and others of the second part and Airways Corporations Joint Pension Fund Trustees Limited of the third part which Deed was confirmed by the Minister of Civil Aviation pursuant to Section 21 of the Air Corporations Act, 1949, by Regulations made the Twenty-seventh day of March One thousand nine hundred and fifty-one.

WHEREAS :

1. The parties hereto are desirous of further amending certain provisions of the 1948 Deed (as amended by the 1950 Deed) in the manner hereinafter appearing.

2. By a Resolution of the Management Trustees dated the sixteenth day of March, 1953, the said Right Honourable Lord Kershaw and the said Avon Spurgin Lucking were appointed to execute this Deed in accordance with the provisions of Clause 18 of the 1948 Deed.

NOW IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS :

1. Sub-paragraph (a) of Clause 6 of the 1948 Deed shall be amended by substituting the words "invested by the Management Trustees in the names or under the legal control of the Custodian Trustees" for the words "handed or paid over to the Custodian Trustees who shall invest the same in their own names or under their legal control".

2. Sub-paragraph (c) of Clause 12 of the 1948 Deed shall be amended by substituting therefor the following sub-paragraph :

"(c) Subject to the provisions of sub-paragraphs (d), (e), (f) and (g) of this Clause each Management Trustee shall be appointed (and the present Trustees shall be deemed to have been appointed) for a period ending on the 31st day of March or the 30th day of September next following the expiration of a period of three years from the date of his appointment whichever period is the shorter."

3. There shall be added at the end of sub-paragraph (f) of Clause 12 of the 1948 Deed the following words "provided that a Members' Representative shall only be removed as aforesaid if, as a result of a ballot of the Members of the occupational category to which such Members' Representative belongs taken in accordance with the provisions of these Rules, it appears that a majority of at least two-thirds of the Members voting in the said ballot is in favour of such removal and provided also that no such ballot shall be held unless written request therefor has been made to the Management Trustees signed by at least 50 members of the occupational category of the Members' Representative concerned".

4. Sub-paragraph (g) of Clause 12 of the 1948 Deed shall be amended by deleting therefrom the words "by giving" for the words "on 28 days" in the second line thereof.

5. Sub-paragraph (h) of Clause 12 of the 1948 Deed shall be amended by deleting therefrom the words "the removal from office of a Members' Representative or", and by the substitution of the words "a simple majority consisting of the largest number of votes" for the words "the majority".

6. The following sub-paragraph shall be added to Clause 12 of the 1948 Deed :

"(i) If a Management Trustee fails for a period of six months to attend in person any Meeting of the Management Trustees, the Management Trustees may declare him to be removed from office provided always that such Management Trustee shall be given at least seven days' notice of the date of the Meeting of the Management Trustees at which the Management Trustees intend to consider declaring his office vacant as aforesaid".

7. Sub-paragraph (d) of Clause 14 of the 1948 Deed shall be amended by the insertion of the words "one specified" between the word "any" and the word "meeting" in the fourth line thereof, and by the replacement of the words "any meeting of the Management Trustees" in the fifth and sixth lines thereof by the words "such meeting of the Management Trustees or any adjournment thereof".

8. Save as expressly altered amended or varied hereby, the 1948 Deed (as amended by the 1950 Deed) and the 1951 Deed shall continue and remain in force and shall have effect as if the alterations amendments or variations herein set out were inserted therein.

9. This Deed is conditional on its being confirmed by Regulations made by the Minister of Civil Aviation under Section 21 of the Air Corporations Act 1949 and if so confirmed shall come into force on such date as may be specified in that behalf in such regulations.

IN WITNESS whereof the Corporations and the Custodian Trustees have caused their respective Common Seals to be hereunto affixed and the Management Trustees have hereunto set their hands and seals the day and year first before written.

GIVEN UNDER THE COMMON SEAL of British Overseas Airways Corporation in the presence of

(L.S.)

J. Ronald McCrindle, Member.
K. H. Staple, Secretary.

GIVEN UNDER THE COMMON SEAL of British European Airways Corporation in the presence of

(L.S.)

Peter Masefield, Member.
H. E. Marking, Secretary.

SIGNED SEALED AND DELIVERED BY
the said Right Honourable
Lord Kershaw in the presence of }

Kershaw.

S. R. Brimblecombe,
84, Blockley Road,
North Wembley,
Middlesex.

Chartered Secretary.

SIGNED SEALED AND DELIVERED BY
the said Avon Spurgin Lucking
in the presence of }

A. S. Lucking.

S. R. Brimblecombe,
84, Blockley Road,
North Wembley,
Middlesex.

Chartered Secretary.

GIVEN UNDER THE COMMON SEAL of Airways Corporations Joint Pension Fund Trustees Limited in the presence of:—

(L.S.)

A. S. Lucking, Director.
S. R. Brimblecombe, Secretary.