



CHAPTER v.

An Act to amend the Great Indian Peninsula Railway Purchase Act 1900 and for other purposes. A.D. 1927.
[29th June 1927.]

WHEREAS under the Great Indian Peninsula Railway Purchase Act 1900 (in this Act referred to as "the principal Act") the Secretary of State in Council of India (therein and in this Act referred to as "the Secretary of State") has in respect of the purchase by him of railways and other works of the Great Indian Peninsula Railway Company (therein and in this Act referred to as "the Company") created an annuity of one million three hundred and thirty-five thousand five hundred and sixty-four pounds charged on the revenues of India and payable by him half-yearly on the first day of July and the first day of January until the first day of July nineteen hundred and forty-eight (the remaining portion of the annuity accruing from the first day of July nineteen hundred and forty-eight to the seventeenth day of August nineteen hundred and forty-eight to be paid on the last-mentioned day) to annuity trustees as in the principal Act mentioned and in the principal Act and in this Act referred to as "the annuity trustees" for distribution among the several persons who at the date of the passing of the principal Act were proprietors of the then existing stock of the Company (in the principal Act and in this Act referred to as "old stock") (other than such of them as should have accepted new stock or shares of the Company in

A.D. 1927. lieu of old stock or annuities or a part thereof) or should from time to time be entitled to the annuities representing old stock (in this Act referred to as "the annuitants") :

And whereas under the principal Act the annuitants are divided into two classes called respectively Class A and Class B Class A being those who have elected to receive their annuities in full and Class B being those who have elected or are deemed to have elected to receive their annuities less a sum for providing a sinking fund so as to produce on the seventeenth day of August nineteen hundred and forty-eight the capital sum represented by such annuities and the annuity trustees are required for the purpose of providing such sinking fund to deduct a sum from such annuities payable to annuitants Class B at such a rate as to produce on the said date as near as may be the said capital sum and to invest the sums so deducted in the names of the persons in the principal Act and in this Act referred to as "the trustees of the sinking fund" :

And whereas the principal Act provided that on the seventeenth day of August nineteen hundred and forty-eight or as near thereto as conveniently may be the trustees of the sinking fund should realise and pay over to the annuity trustees and the annuity trustees should thereupon divide the moneys representing the accumulations of the sinking fund amongst the several persons whose names should at that time appear and be on the register of annuitants Class B rateably and in proportion to the capital sums represented by their annuities and provided for the deduction and payment by the trustees of the sinking fund of all costs charges and expenses incurred by them in relation to the sinking fund but did not make any provision for the payment of the expenses of the annuity trustees in relation to such division :

And whereas by the principal Act the expenses of the payment and management of the said annuities are to be met by the deduction by the annuity trustees on each and every half-yearly or other day appointed for the payment of such annuities from the sum so to be paid to every annuitant of either class of a sum not exceeding one penny in respect of every twenty shillings of annuity or fractional part thereof and doubts have

arisen as to whether such expenses include remuneration of the annuity trustees but such remuneration until such doubts arose has been paid : A.D. 1927.
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And whereas shortly after the passing of the principal Act the Secretary of State in pursuance of powers reserved to him thereby redeemed £67,048 of the annuity created by him thereunder whereby the amount receivable to meet such expenses as aforesaid was reduced by upwards of £279 a year :

And whereas after the passing of the principal Act the Company by virtue of an agreement made between the Secretary of State and the Company dated the twenty-first day of December nineteen hundred continued to work the railways and works so purchased by the Secretary of State as aforesaid for a period of twenty-five years terminating on the thirtieth day of June nineteen hundred and twenty-five on which day the said railways and works were taken over by the Secretary of State :

And whereas during the term of the said agreement the payment and management of the said annuities were carried out by the annuity trustees by means of offices and staff shared by them jointly with the Company :

And whereas by reason of the said railways and works being taken over by the Secretary of State the Company ceased to need offices and staff and the annuity trustees are accordingly unable to enjoy the said facilities for the payment and management of the said annuities which they have hitherto enjoyed and in consequence thereof and of the increase in the expenses of paying and managing the same the sums retainable by the annuity trustees under the principal Act as aforesaid are no longer sufficient to meet such expenses :

And whereas it is expedient that further provision should be made for meeting such expenses as aforesaid and that provision should be made for meeting the expenses of the annuity trustees in relation to the division of the moneys forming the said sinking fund to be divided by them as aforesaid and the winding up of the trust of the annuity trustees and as to the remuneration of the annuity trustees :

And whereas by the principal Act no provision was made for the retirement of the annuity trustees

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A.D. 1927. — by rotation and it is expedient that provision should be made for such retirement and for election of the annuity trustees from time to time :

And whereas by resolution of the annuitants passed the eighth day of December nineteen hundred and twenty-six the annuity trustees were authorised and empowered to promote the Bill for this Act and to raise and pay the costs charges and expenses thereof as by this Act provided :

And whereas the objects aforesaid cannot be attained 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 of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Great Indian Peninsula Railway Annuities Act 1927 and the principal Act and this Act may be cited together as the Great Indian Peninsula Railway Annuities Acts 1900 and 1927.

Declaration of trust as to sinking fund.

2. The principal Act shall be read and construed as if the following provisions were inserted therein in lieu of section 22 thereof (that is to say) :—

The trustees of the sinking fund shall hold the said investments in trust for and on behalf of the several persons who shall on the seventeenth day of August nineteen hundred and forty-eight be respectively entitled thereto as by this Act provided subject nevertheless to the payment of all costs charges and expenses incurred by the trustees of the sinking fund in relation thereto and of all such sums as the annuity trustees shall from time to time require the trustees of the sinking fund to pay to the annuity trustees as costs charges and expenses incurred by the annuity trustees in relation to the sinking fund all which costs charges and expenses the trustees of the sinking fund are hereby authorised from time to time to deduct and pay from any moneys or investments from time to time in their hands or under their control by virtue of this Act.

3. On the seventeenth day of August nineteen hundred and forty-eight or as near thereto as conveniently may be the trustees of the sinking fund in the principal Act mentioned shall realise and pay over to the annuity trustees referred to in the principal Act and the annuity trustees shall subject as is in this section hereafter mentioned thereupon divide the moneys representing the accumulations of such sinking fund amongst the several persons whose names shall at that time appear and be on the register of annuitants Class B in the principal Act mentioned rateably and in proportion to the capital sums represented by their annuities but subject to the payment of all costs charges and expenses incurred by the annuity trustees in relation to the division and payment of such moneys and the winding up of the trust of the annuity trustees which costs charges and expenses the annuity trustees are hereby authorised to deduct rateably from the moneys so to be paid to them by the trustees of the sinking fund as aforesaid Provided always that if on the seventeenth day of August nineteen hundred and forty-eight any portion of the moneys representing the accumulations of the sinking fund represents annuities then unclaimed the annuity trustees on making the division of such accumulations by this section before provided for shall pay such portion (after deducting therefrom a rateable proportion of such costs charges and expenses aforesaid) to the Secretary of State and the Secretary of State shall hold any moneys so paid to him subject to the claim of any person entitled thereto such claim to be established in manner by the principal Act prescribed with respect to claims for unclaimed annuities and money representing arrears of unclaimed annuities.

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Expenses of
winding up
trust.

4. The annuity trustees shall retire from office at the times and in the manner following (that is to say):—

Retirement
of annuity
trustees.

At the first annual meeting of annuitants of both classes held after the passing of this Act and at the annual meeting of annuitants of both classes in every subsequent year one-third of the annuity trustees or if their number is not a multiple of three then the number nearest to but which does not exceed one-third shall retire from office.

A.D. 1927.

Subject to the provisions of this Act the persons who shall retire at each such meeting shall be those annuity trustees who have been longest in office without re-election and if on any such occasion two or more annuity trustees shall have been in office without re-election for an equal length of time the annuity trustees or trustee who shall retire shall in default of agreement between such two or more annuity trustees be determined by lot.

For the purposes of this section those persons who at the date of the passing of this Act are annuity trustees shall be deemed to have been first elected to office on the same date.

At each such annual meeting the annuitants present in person or by proxy shall (subject and without prejudice to the provisions of section 37 and subject to the provisions of section 38 of the principal Act) elect persons to supply the places of the annuity trustees then retiring from office.

A retiring annuity trustee shall so long as he remains duly qualified as required by section 38 of the principal Act be eligible for re-election.

Casual vacancies in the number of annuity trustees may be filled up by resolution passed at any meeting of annuitants of both classes.

Expenses of payment and management of annuities.

5. The principal Act shall be read and construed as if in section 62 thereof there were inserted therein in lieu of the words "a sum not exceeding one penny in respect of every twenty shillings of annuity or fractional part thereof" the words "a sum not exceeding three half pence in respect of every twenty shillings or fractional part of twenty shillings of the gross amount of the annuity then payable."

Expenses and remuneration of annuity trustees.

6. The sums to be deducted under section 62 (Deduction for expenses of managing annuities) of the principal Act as amended by this Act and the registration and other fees to be levied by the annuity trustees under the principal Act shall be applied by the annuity trustees (a) towards paying the expenses mentioned in the said section 62 of the principal Act and (b) in paying the following sums by way of remuneration to the annuity trustees (such remuneration to commence as from the

first day of April nineteen hundred and twenty-six) A.D. 1927.
(that is to say):—

£1,300 per annum if and so long as the number of the annuity trustees is seven;

£1,100 per annum if and so long as the number of the annuity trustees is six;

£1,000 per annum if and so long as the number of the annuity trustees is less than six;

and such remuneration shall be divided among the annuity trustees in such manner as the annuity trustees or a majority of them shall from time to time determine.

7. The application of any sums which have been deducted by the annuity trustees from any moneys in their hands and applied in or towards meeting expenses of the annuity trustees in relation to the sinking fund provided for by the principal Act or in or towards remuneration of the annuity trustees is hereby confirmed. Confirmation of certain payments by annuity trustees.

8. Nothing in this Act shall be deemed to affect the operation of section 6 (Sinking fund trustees not as such to participate in sinking funds) of the Indian Railway Annuities (Sinking Funds) Act 1909. Saving as to division of sinking fund.

9. The following sections of the principal Act are hereby repealed (that is to say):— Repeal of certain sections of principal Act.

Section 22 (Declaration of trust as to sinking fund);

Section 23 (Eventual division of sinking fund);

Section 36 (Annuity trustees) so far as the same relates to filling vacancies in the number of the annuity trustees.

10. All costs charges and expenses incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be deemed to form part of the expenses of the payment and management of the annuities referred to in the principal Act and this Act and shall be paid by the annuity trustees accordingly. Costs of Act.

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