

[61 & 62 VICT.] *Great Eastern Railway (Pensions)* [Ch. cxxi.]
Act, 1898.



CHAPTER cxxi.

An Act to confer further powers upon the Great Eastern Railway Company in relation to payment of pensions and allowances or gratuities to servants on the wages list of the Company and to consolidate with amendments the provisions with regard to the same contained in the Great Eastern Railway (General Powers) Acts 1890 1893 1895 and 1896 and for other purposes. [25th July 1898.] A.D. 1898.

WHEREAS it is expedient that the directors of the Great Eastern Railway Company (herein-after called "the Company") should be empowered to reconstitute the pension fund established under the Great Eastern Railway (General Powers) Act 1890 (herein-after called "the fund of 1890") and the scheme for the administration of the same (herein-after called "the scheme of 1890") and the pension supplemental fund established under the Great Eastern Railway (General Powers) Acts 1893 and 1895 (herein-after called "the fund of 1895" and the existing rules and regulations for the management of the same (herein-after called "the scheme of 1895") and to establish such funds on a new basis so as to afford further opportunities for membership to the company's servants without reference to actuarial calculations by altering the constitution and investment of the said funds and by putting an end to the Company's contributions thereto and substituting therefor a guarantee by the Company for payment out of their revenue of any deficiency in the income of such funds respectively for the payment of all pensions and allowances or gratuities which may become payable out of or in respect of such funds respectively and in other respects and to establish new schemes for the management of the same and that for such purposes the provisions contained in the said Acts of 1890 1893 and 1895 and the Great Eastern Railway (General Powers) Act 1896 respectively with regard to the fund of 1890 and the fund of 1895 respectively

[Ch. cxxi.] *Great Eastern Railway (Pensions)* [61 & 62 VICT.]
Act, 1898.

A.D. 1898. should be amended modified and consolidated in manner herein-after appearing :

And whereas the objects 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 Queen'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 (that is to say) :—

Short title.

1. This Act may be cited as the Great Eastern Railway (Pensions) Act 1898.

Interpretation.

2. In this Act the following words and expressions shall have the meanings hereby assigned to them so far as such meanings are not excluded by the context or the nature of the subject-matter (that is to say) :—

“The directors” means the board of directors of the Company ;

“Servant” means any person on the wages list of the Company not being under the age of eighteen years or in receipt of wages less than twelve shillings a week and not being entitled to become a member of the superannuation fund ;

“Income” includes interest and dividends.

New pension scheme.

3. Subject to the provisions of this Act the directors of the Company may if they think fit at any time after the thirty-first day of December one thousand eight hundred and ninety-eight with the consent of the managing committee of the fund of 1890 establish a new pension scheme in lieu of the scheme of 1890 for payment of pensions (ranging from six pounds to twenty-five pounds per annum) and other retiring allowances or gratuities and repayments to any servants or retired servants of the Company on such terms and subject to such conditions rules and regulations as the directors and the said managing committee of the fund of 1890 shall agree upon Provided nevertheless that the members of the fund of 1890 at the date at which the new scheme may come into force shall under the new pension scheme be entitled to receive the same pensions and other retiring allowances and benefits and be liable only to make the same contributions as they would have been entitled to receive and been liable to make respectively under the scheme of 1890 if that scheme had still continued in force.

New pension supplemental scheme.

4. The directors may in like manner if they think fit at any time after the said thirty-first day of December one thousand eight hundred and ninety-eight establish a new pension supplemental

[61 & 62 VICT.] *Great Eastern Railway (Pensions)* [Ch. cxxi.]
Act, 1898.

scheme in lieu of the scheme of 1895 for payment of higher classes of pensions (ranging from thirty pounds to fifty-two pounds per annum) than those obtainable under the scheme of 1890 or under such new pension scheme as aforesaid and other retiring allowances gratuities and repayments to such servants and classes of servants and retired servants and on such terms and subject to such conditions rules and regulations as the directors and the managing committee of the fund of 1890 shall agree upon. Provided nevertheless that the members of the fund of 1895 at the date at which the new scheme may come into force shall under the new pension supplemental scheme be entitled to receive the same pensions or other retiring allowances and benefits and be liable only to make the same contributions as they would have been entitled to receive and been liable to make respectively under the scheme of 1895 if that scheme had still continued in force.

A.D. 1898.
—

5. For the purpose of any such new pension scheme or new pension supplemental scheme as aforesaid the directors may with the consent of the managing committee of the fund of 1890 reconstitute the fund of 1890 and the fund of 1895 on such a basis respectively that the moneys standing to the credit of those funds respectively in the books of the Company at the date when the new pension scheme or the new pension supplemental scheme as the case may be may come into force shall constitute a new pension fund and a new pension supplemental fund respectively and that such new funds shall be continuously augmented by the contributions thereto of the servants of the Company who shall become members thereof under the new pension scheme and the new pension supplemental scheme respectively and that the income of the respective fund shall be used for the purpose of paying the pensions and other allowances and repayments or gratuities that may become payable under such new schemes and that if such income prove insufficient for such purpose the Company shall guarantee and make up the deficiency out of their revenue.

Reconstruction of funds of 1890 and 1895.

6. Upon the establishment of a new pension scheme or a new pension supplemental scheme on such basis as aforesaid the Company shall as from the date when the same shall come into force cease to be under any obligation to make contributions to the pension fund or the pension supplemental fund as heretofore or to either of such funds when reconstituted as aforesaid and in lieu of such contributions the Company shall guarantee payment out of their revenue as part of the working expenses of their undertaking of all pensions and other allowances and repayments or gratuities payable under the new pension scheme or the new pension

Company's contribution to pension fund and pension supplemental fund to cease — Company guaranteeing pensions &c.

[Ch. cxxi.] *Great Eastern Railway (Pensions) [61 & 62 VICT.] Act, 1898.*

A.D. 1898. — supplemental scheme as the case may be in case and so far as the income of the new pension fund or the new pension supplemental fund shall be insufficient in any year to provide for the pensions and other allowances which shall become payable in each year in respect of each fund respectively :

Provided always that such guarantee by the Company as aforesaid shall not affect or take away the right or power of the Company to grant out of their own proper funds pension allowances to any of the officers or servants of the Company or such allowances during old age or sickness as the directors may from time to time think fit.

Application of income of new funds.

7. Upon the establishment of a new pension scheme or a new pension supplemental scheme the Company shall receive and retain the income to arise from the new pension fund and from the new pension supplemental fund respectively in each year and apply the same in or towards payment of the pensions and other allowances and repayments to become due in such year under the new pension scheme and the new pension supplemental scheme respectively and shall hold the surplus if any of such income in each year by way of a reserve fund to meet the deficiency if any of the income of the said funds in any subsequent year or years provided that the Company may reimburse themselves from time to time for any deficiency made good as referred to in the last section out of any future surplus.

Repayment of principal moneys invested in mortgages or debentures—Future investment of funds.

8. Upon the reconstitution of the fund of 1890 and the fund of 1895 respectively under such new pension scheme and new pension supplemental scheme as aforesaid the Company shall repay the principal moneys secured by and shall be at liberty to cancel the mortgages or debentures in which the moneys then constituting such funds may be then invested and such moneys when so repaid and the cash which may then be standing to the credit of the said funds respectively in the books of the Company shall be transferred as to the moneys and cash constituting the fund of 1890 to the credit of "the pension committee" herein-after mentioned to an account to be entitled "the new pension fund" and as to the moneys and cash constituting the fund of 1895 to the credit of "the pension supplemental committee" herein-after mentioned to an account to be entitled "the new pension supplemental fund" and such moneys and cash when so transferred and the contributions to be thenceforth made by the members of the new funds respectively under the new pension scheme and the new pension supplemental scheme respectively shall be invested in the names of the members of the

[61 & 62 VICT.] *Great Eastern Railway (Pensions)* [Ch. cxxi.]
Act, 1898.

respective committees to whose credit the same have been respectively transferred or any four of such members in debenture stock or guaranteed stock or preference stock of the Company at the market price of such stock on the day of investment.

A.D. 1898.

9. Any such new pension scheme or new pension supplemental scheme which may be hereafter agreed upon between the directors and the managing committee of the fund of 1890 under the powers in that behalf herein contained shall contain a provision that persons who may then be recipients of pensions or other allowances from the fund of 1890 or the fund of 1895 shall be entitled as from the date on which such new pension scheme or new pension supplemental scheme shall come into force but not as from any earlier date to receive the same pensions or other allowances from the new pension fund or the new pension supplemental fund as they would have received from the fund of 1890 or the fund of 1895 respectively.

Saving for existing pensions &c

10. Provision shall be made in any new pension scheme and any new pension supplemental scheme for the election by the members of the new pension fund and the new pension supplemental fund respectively of delegates to represent such members and for the holding of general meetings of such delegates and for the appointment from time to time by such delegates of an auditor to examine and report upon the accounts relating to the new pension fund and the new pension supplemental fund respectively on behalf of the members of such funds. The first general meeting of such delegates shall be held within twelve months after the new pension scheme or the new pension supplemental scheme shall have come into force and thenceforth at least once in every two succeeding years.

Delegates to be elected to represent members of funds— Meetings of delegates.

11. No rule or regulation in such new pension scheme or new pension supplemental scheme shall make it compulsory for any servant of the Company to become a member of the new pension fund or the new pension supplemental fund.

Servants of Company not bound to become members of funds.

12. Any such new pension scheme or new pension supplemental scheme as aforesaid shall be administered by a committee to be called "the pension committee" or "the pension supplemental committee" as the case may be. Such committees shall respectively consist of the following members namely the chairman the deputy chairman and the chairman of the finance committee of the directors and one other director to be appointed annually by the directors and the following officers for the time being of the Company namely the general manager the superintendent of the line the goods manager the engineer-in-chief and the locomotive superintendent and two

Pension committee and pension supplemental committee.

[Ch. cxxi.] *Great Eastern Railway (Pensions) [61 & 62 VICT.] Act, 1898.*

A.D. 1898. persons to be elected annually by and from amongst the delegates representing the members of the new pension fund or the new pension supplemental fund as the case may be at such times and in such manner and in accordance with such rules and regulations as the directors may determine and such committees may by a majority of their members with the consent of the directors of the Company rescind alter or add to the rules and regulations contained in such new schemes respectively and modify the conditions upon which new members may be entitled to the benefits thereof but not so as to increase the contributions or to decrease the allowances under the scheme of 1890 or the scheme of 1895 or any such new pension scheme or new pension supplemental scheme as aforesaid.

Procedure
&c. of
committees.

13. The pension committee and the pension supplemental committee respectively may regulate their own procedure and may appoint such officers and at such salaries payable out of the revenue of the Company as they may think fit.

Accounts to
be kept.

14. The pension committee and the pension supplemental committee respectively shall cause proper books of account to be kept showing the receipts and expenditure on account of the new pension fund and the new pension supplemental fund respectively and shall allow any member or person having any interest in the new pension fund or in the new pension supplemental fund to inspect the books relating to the fund in which he is interested at all reasonable hours at the office of the Company or at any other place where the same are kept except that no such member or person unless he be an officer of the Company or be specially authorised by a resolution of the committee charged with the administration of the respective fund to do so shall have the right to inspect the account of any other member without the written consent of such member.

Balance
sheets to be
supplied to
members.

15. The Company shall supply gratuitously to every member or person interested therein a copy of a balance sheet or other document duly audited containing the particulars as to the receipts and expenditure and assets of the new pension fund or the new pension supplemental fund as the case may be.

Copies of
new schemes
to be de-
livered to
servants of
Company on
demand.

16. A copy of the new pension scheme and of the new pension supplemental scheme when established shall be delivered by the secretary of the committees respectively charged with the administration of such funds to every servant on demand on payment of a sum not exceeding one shilling.

Interest of
members of
new pension
fund to cease

17. If any member of the new pension fund shall join the new pension supplemental fund his membership of and interest in the new pension fund shall absolutely cease and determine and he shall

[61 & 62 VICT.] *Great Eastern Railway (Pensions)* [Ch. cxxi.]
Act, 1898.

thereupon be credited with an interest in the new pension supplemental fund equivalent to his interest in the new pension fund at the date of the change and such sum shall be transferred to the new pension supplemental fund with all interest if any accrued thereon and such further sum as the majority of the members of the committees of both funds may determine.

A.D. 1898.
 —
 on their joining new pension supplemental fund.

18. When any person who is entitled under the new pension scheme or the new pension supplemental scheme to any pensions or other allowances is incompetent by reason of mental disability to manage his or her affairs the committee charged with the administration of the respective fund may upon the incompetency of such person being duly certified by a justice of the peace and by a medical practitioner pay the pension or other allowance to which such person is entitled or so much thereof as the committee of that fund may think fit to the institution or person having the care of such incompetent person during his incompetency and may pay the surplus if any of such pension or other allowance or such part thereof as such committee may think fit for or towards the maintenance and benefit of the wife or husband or other relatives of such incompetent person and such committee shall thereupon be discharged from all liability in respect of any payments so made.

Provision in case of incompetency of members of funds.

19.—(1) Any member of the new pension fund or of the new pension supplemental fund may by a document in writing under his hand delivered at or sent by registered letter to the office of the fund of which he is a member nominate any person not being an officer or servant of the Company or of the committee of the fund of which he is a member (unless such officer or servant be the husband wife father mother child grandchild brother sister nephew or niece of the nominator) to whom the amount (not exceeding one hundred pounds) payable on the decease of such nominator out of the respective fund shall be paid and may from time to time in like manner revoke or vary or alter such nomination and on receiving satisfactory proof of the death of such nominator the committee charged with the administration of the respective fund shall pay to the person so nominated the amount payable on the decease of such member not exceeding the amount aforesaid.

Members of new funds may nominate persons to whom moneys payable on their decease shall be paid.

(2) All payments made by the pension committee or the pension supplemental committee under the provisions of this section whether the nominator has made a will previously or subsequently to the date of such nomination shall be valid as against and shall discharge the committee making such payments and the Company from all claim and demands by any other person as next-of-kin or as legal personal representative of any deceased member so

[Ch. cxxi.] *Great Eastern Railway (Pensions) [61 & 62 VICT.] Act, 1898.*

A.D. 1898. — nominating as aforesaid but the right if any of any such next-of-kin or representative or any other person to recover any money so paid from the person or persons who shall actually have received the same shall not be prejudiced or affected by anything in this section.

(3) If the total property of any deceased nominator exceed one hundred pounds after deduction of debts and funeral expenses any sum which may under this Act be paid otherwise than to the legal personal representative of the nominator shall notwithstanding such payment be for the purposes of estate duty treated as passing under the will or intestacy of the deceased nominator. The pension committee and the pension supplemental committee respectively shall before making any payment in respect of moneys standing to the credit of a deceased nominator to any one other than the legal personal representative of such deceased nominator require a declaration by the claimant or one of the claimants that the total estate of the deceased nominator including the amount of such moneys does not after deduction of debts and funeral expenses exceed the value of one hundred pounds.

(4) In every such case as aforesaid where the total estate of the deceased nominator (including such moneys) but after deduction of debts and funeral expenses exceeds one hundred pounds the committee shall before making any such payment as aforesaid to any person other than the legal personal representative of the deceased nominator require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy duty if any payable in respect of such moneys or of a certificate stating that no legacy duty is payable.

Committees may pay in certain cases without requiring receipt of personal representatives of deceased members.

20. The pension committee and the pension supplemental committee respectively may at their discretion where there is no legal personal representative of a deceased servant who at his death was a member of the new pension fund or the new pension supplemental fund pay to the widow and children of such servant or either or any of them any sum not exceeding one hundred pounds payable in respect of the claim of such servant against the fund of which he was a member as aforesaid without requiring the receipt or discharge of a duly constituted legal personal representative of such servant and the receipt in writing of the person or persons to whom such sum may be paid shall be valid and effectual against all claims on the part of such servant or his legal personal representative if and when duly constituted against the fund of which such servant was a member or the committee charged with the administration of the respective fund or the Company. Provided that such

[61 & 62 VICT.] *Great Eastern Railway (Pensions)* [Ch. cxxi.]
Act, 1898.

committee shall first obtain a declaration to be made by the person or persons to whom they intend to pay any such sum as aforesaid (or other evidence to the satisfaction of such committee) that the total personal estate of such deceased servant does not after deduction of debts and funeral expenses exceed the value of one hundred pounds. A.D. 1898.

21. If any new pension scheme or new pension supplemental scheme shall be established under this Act the same shall come into operation as from the date which shall be fixed for that purpose in such new scheme respectively and as from that date the scheme of 1890 and the scheme of 1895 or such one of them as the new scheme may be respectively substituted for and all provisions contained in the said Acts of 1890 1893 1895 and 1896 respectively relating thereto shall except as herein-after provided cease to have any further force or effect. Dates of new schemes coming into operation to be fixed therein and schemes of 1890 and 1895 thereupon to cease.

22. Notwithstanding the establishment of any new pension scheme or new pension supplemental scheme the managing committee of the fund of 1890 shall continue to exist for the purposes of the control and administration of the funds already established for the relief of the Company's servants in old age respectively called "the old age relief fund" and "the supplemental old age relief fund" and the directors shall out of the revenues of the Company at the end of each half-year contribute to such last-mentioned funds such sums as the directors on the recommendation of such committee may think fit. Managing committee of fund of 1890 to administer old age funds—Contribution to such funds out of Company's revenue.

23. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company. Expenses of Act.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.