

[62 & 63 VICT.] *London, Brighton, and South Coast* [Ch. liv.]
Railway (Pensions) Act, 1899.



CHAPTER liv.

An Act to provide for the establishment and regulation of
a Pension Fund for officers and servants of the London
Brighton and South Coast Railway Company.

A.D. 1899.

[13th July 1899.]

WHEREAS the London Brighton and South Coast Railway
Company (herein-after referred to as "the Company")
established in the year one thousand eight hundred and seventy-
two a superannuation fund the conditions and regulations of which
were approved at the ordinary general meeting of that Company
held on the twenty-fourth day of January one thousand eight
hundred and seventy-two and by section 18 of the London Brighton
and South Coast Railway Act 1874 (herein-after referred to as "the
Act of 1874") the said superannuation fund and the conditions and
regulations relating thereto as set out in the schedule to the said
Act were authorised and confirmed:

37 & 38 Vict.
c. liv.

And whereas in the year one thousand eight hundred and
ninety-five the directors of the Company acting under the powers
conferred upon them by Condition 17 of the said conditions and
regulations and upon the report of an actuary made certain
variations in the said conditions and regulations:

And whereas the superannuation fund amounted on the thirty-
first day of December one thousand eight hundred and ninety-seven
to three hundred and eighteen thousand seven hundred and
sixty-five pounds seven shillings and twopence which in pursuance
of Condition No. 15 of the said revised conditions and regulations
is invested on loan to the Company as trustees thereof at the rate
of four per centum per annum:

And whereas the superannuation fund as constituted by the
Act of 1874 extends only to certain officers and servants of the
Company viz. To the principal officers of the Company their
assistants and clerks station-masters booking clerks ticket collectors

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A.D. 1899. guards policemen signalmen pointsmen permanent way superintendents inspectors and timekeepers locomotive and carriage foremen timekeepers and engine drivers and the Company are willing and it is expedient that they should be empowered to establish a Pension Fund providing for allowances to all classes of their servants :

And whereas it is expedient with that object that the existing superannuation fund should be merged in the said Pension Fund and that a limit should be fixed beyond which any amount standing to the credit of the Pension Fund on loan to the Company should not carry interest and that any deficiency in the income of the Pension Fund should be from time to time met by the Company as a working charge payable out of their revenue in manner and subject to the conditions herein-after provided :

And whereas the objects 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 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 for all purposes as the London Brighton and South Coast Railway (Pensions) Act 1899.

Definitions. 2. In this Act—

The expression "servant" shall mean and include every person in the permanent employ of the Company whose name appears in their registers as an officer or servant of the permanent staff and shall comprise "servant of the first class" "servant of the second class" and "servant of the third class" as herein-after respectively defined ;

The expression "servant of the first class" shall mean and include every chief officer of the Company his chief assistants and the members of his clerical staff every superintendent and station-master agent booking and other clerk at passenger and goods stations offices or depôts every captain chief officer and chief engineer of the Company's steam vessels and every other servant whose engagement of service is for a period of not less than one month and also the solicitor of the Company and any other person employed by or working for the Company whom the directors may permit to become a contributing member the age of each servant of the first class on the appointed day or on the day of his

thereafter entering the service of the Company as the case may be not exceeding (unless he be a present member) twenty-four years ;

The expression "servant of the second class" shall mean and include every servant who does not come within the definition of servant of the first class and whose age on the appointed day or on the day of his thereafter entering the service of the Company as the case may be shall not (unless he be a present member) be less than eighteen years or exceed twenty-five years and whose wages shall not be less than twenty-five shillings per week or four shillings and twopence per day ;

The expression "servant of the third class" shall mean and include every servant who does not come within the definition of a servant of the first class or a servant of the second class and whose age on the appointed day or on the day of his thereafter entering the service of the Company as the case may be shall not (unless he be a present member) be less than eighteen years or exceed twenty-five years and whose wages shall not be less than twelve shillings per week or two shillings a day ;

The expression "service of the Company" shall mean the employment of every servant in manner aforesaid ;

The expression "the old fund" shall mean the superannuation fund of the Company established by the authority of the London Brighton and South Coast Railway Act 1874 with the now existing conditions and regulations thereof as the same were revised in October one thousand eight hundred and ninety-five ;

The expression "present members" shall mean the persons who will be contributing to or receiving superannuation allowances from the old fund on the appointed day ;

The expression "the Pension Fund" shall mean the fund to be established under this Act and shall include all the property assets and income thereof or from time to time belonging thereto including the assets of the old fund ;

The expression "contributing member" shall mean and include every servant admitted to the Pension Fund and entitled to participate therein or to receive benefits therefrom in accordance with the provisions hereof ;

The expression "pensioned member" shall mean and include such servants who having been contributing members are receiving pensions or payments from the Pension Fund ;

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The expression "delegates" shall mean and include the representatives of the contributing members to be elected by those members in each class for the purposes and in manner to be prescribed by the rules;

The expression "members' contributions" shall mean and include the respective periodical payments specified in the schedule hereto and any other payments to be made by contributing members to the Pension Fund under this Act or any rules made pursuant to this Act and also the periodical payments made to the old fund by present members;

The expression "Company's contributions" shall mean and include the respective payments to the Pension Fund (other than interest and any payments under the guarantee by this Act provided for) made by the Company under and in accordance with this Act or any rules made pursuant to this Act;

The expression "pension" shall mean and include all pensions or payments to pensioned members which are or will be made payable by or be due from the Pension Fund under and in accordance with this Act or any such rules;

The expression "the rules" shall mean the rules for the management control regulation and administration of the Pension Fund intended to be made as herein-after provided and from time to time in force;

The expression "income" shall mean and include the interest on the Pension Fund due from the Company as herein-after mentioned together with the Company's contributions and the members' contributions and any interest on the members' contributions which may be payable by contributing members under the rules.

Establishment of Pension Fund.

3. A pension fund of the Company (herein-after referred to as "the Pension Fund") is hereby established for the payment thereof of the pensions and other allowances provided for by this Act or by the rules to be made under the authority thereof and the Pension Fund shall come into operation on a day (herein-after referred to as "the appointed day") which shall be fixed by a resolution of the board of directors of the Company and shall be open to all the servants of the Company as in this Act defined whether in the service of the Company on the appointed day or joining that service subsequently thereto.

Transfer of old fund.

4. On and from the appointed day all moneys property and assets then belonging to or standing to the credit of the old fund

shall be transferred to and thenceforth remain and be in the hands of the Company upon trust for the purposes of the Pension Fund and the old fund shall thereupon cease and be extinguished except so far as its conditions and regulations shall continue to subsist in respect of payments and benefits to such present members as shall remain subject thereto.

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5. The Company shall on the thirtieth day of June or the thirty-first day of December which shall happen next after the appointed day and thenceforward on the thirtieth day of June and thirty-first day of December in each and every year contribute to the Pension Fund a sum equal to the aggregate amount of the periodical payments of the contributing members specified in the schedule hereto made by such members during the preceding six months ending on the said respective dates or in the case of the first contribution (if the appointed day be any other day than the first day of January or the first day of July) during the period between the appointed day and the thirtieth day of June or thirty-first day of December next thereafter as the case may be and the Company shall also at the same respective dates in each and every year contribute to the Pension Fund such sums whether equal to the aggregate amount of any additional or other payments by contributing members made during the preceding six months (or proportionate period as aforesaid) or otherwise as may by the rules be made payable by the Company and they shall also at the same respective dates in each and every year credit to the Pension Fund a sum representing interest at the rate of four per centum per annum upon the monthly balances standing to the credit of the Pension Fund on the last day of each month. Provided nevertheless that the Company shall not at any time be required or be liable to credit to the Pension Fund interest upon any accumulations thereof in excess of one million pounds.

Company's
contribu-
tions.

6. The Company shall out of the income of the Pension Fund pay from time to time the pensions and other payments due from the Pension Fund and shall be subject to and bound by the following provisions :—

Applica-
tion of
income and
guarantee
of fund by
Company.

- (1) In case at any date on which pensions or payments may be due or payable it shall be found that the amount then standing to the credit of income is insufficient to meet the pensions and payments then due or to become due before the then next period of accretion of income the Company shall make good the deficiency out of their revenue as if such deficiency were a working expense of their undertaking :

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(2) In case on balancing the accounts of the Pension Fund on the thirty-first day of December in any year it shall be found that the aggregate amount of the pensions and payments paid and made during such year is less than the amount then standing to the credit of income the surplus shall be held by the Company upon trust as part of the capital of the Pension Fund and such surplus (subject nevertheless to the limitation as to the maximum amount on which interest shall be payable fixed by this Act) shall carry interest as aforesaid. Provided nevertheless that the Company shall have power from time to time before any such surplus shall be so dealt with to take credit thereout for any sums which they may have previously made good out of their revenue as aforesaid.

Provisions
as to
pensioned
members of
old fund.

7. Every present member who on the appointed day is receiving a superannuation allowance from the old fund shall continue to receive the allowances and payments and shall remain subject to the conditions and regulations of the old fund unless within one month after the appointed day or within such extended period as may with respect to any particular case or cases be fixed by the directors he shall give written notice to the secretary of the Company that he elects to receive a pension from the Pension Fund and to share in its benefits as if he were then a servant of the first class receiving a pension from the Pension Fund and in such case he shall receive such pension and share in such benefits and shall be subject to the rules so far as they may be applicable to his case and such arrangement shall be accepted by such member and carried out by the Company in substitution for and satisfaction of the allowances and benefits secured by the old fund.

Provisions
as to con-
tributing
members to
old fund.

8. Every present member (other than those who on the appointed day may be receiving an allowance from the old fund as aforesaid) shall be admitted to the Pension Fund on the basis of his making the contributions of receiving the allowances and payments and of remaining subject to the conditions and regulations of the old fund unless he shall within one month after the appointed day or within such extended period as may with respect to any particular case or cases be fixed by the directors give written notice to the secretary of the Company that he elects to be admitted on the basis of his making the contributions of receiving the allowances and payments and of becoming subject to the conditions and regulations of the Pension Fund as a servant of the class appropriate to his position and pay in which event he shall be entitled to make contributions to and to receive a pension from the Pension Fund accordingly and with respect to those

present members who shall not elect to be admitted to the Pension Fund in manner provided by this section the Company shall on the thirtieth day of June and the thirty-first day of December in every year next after the appointed day contribute to the Pension Fund a sum equal to the aggregate amount of the contributions made by such present members during the preceding six monthly period. A.D. 1899.

9. Every admission to the Pension Fund of present members whether pensioned members or contributing members under this Act shall be on the footing that the admitted member shall be deemed to have been a contributing member from the date when he became a member of the old fund and he shall for all purposes hereof receive credit for the amount of the payments made by him to the old fund and the Company shall notwithstanding the extinction of the old fund be and remain liable to make to all present members who having been and remained uninterruptedly in the service of the Company for more than ten years prior to the first day of January one thousand eight hundred and seventy-two joined the old fund at that date the additional allowances to be chargeable to and paid out of the benevolent fund of the Company as follows (that is to say):—

Terms of admission of present members to Pension Fund.

(a) To such members as may have been and remained uninterruptedly in the service of the Company for not less than ten or more than fifteen years prior to the first day of January one thousand eight hundred and seventy-two an additional annual allowance equal to two and a half per centum on the average salary or wages of such member during the whole period of his membership of the old fund and of the Pension Fund;

(b) To such members who may have so been and remained not less than fifteen or more than twenty years an additional annual allowance equal to five per centum of such average salary;

(c) To such members who may have so been and remained not less than twenty or more than twenty-five years an additional annual allowance equal to seven and a half per centum of such average salary; and

(d) To such members who may have so been and remained upwards of twenty-five years an additional annual allowance equal to ten per centum of such average salary.

10. On and after the appointed day every servant of the first class shall become a contributing member in Class 1 of the Pension Fund and every servant of the second class may if he so desires become a contributing member in Class 2 or Class 3 thereof and

Provisions as to class and contribution of members.

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every servant of the third class may if he so desires become a contributing member in Class 3 thereof Contributing members in each class shall make or be liable to make the member's contribution applicable to that class and the Company shall be at liberty from time to time to deduct and retain the amount of the member's contribution and also any extra contribution or back payment due under and in accordance with the rules from the salary or wages or any instalment thereof of each contributing member before payment thereof and servants of any class may and shall in circumstances which the directors in their sole discretion regard as exceptional and upon their direction be admitted as or permitted to remain and be contributing members without regard to age or rate of pay upon such terms as to the amount of their contributions or back payments or the extent of the benefits to be secured to them as the directors may dealing with each case in their discretion determine and prescribe for the direction of the managing committee.

Manage-
ment of
Fund—
Rules.

11.—(1) The Pension Fund shall be administered by and be under the management control and regulation of a managing committee which until the election by the delegates of the two persons herein-after mentioned shall consist of the following persons viz. :—

- (a) The chairman and deputy chairman of the Company ;
- (b) Two other directors to be nominated by resolution of the board of directors within two months after the passing of this Act who shall hold office (if they shall so long continue to be directors) until the month of January one thousand nine hundred and one in which month and thenceforward in the month of January in each succeeding year the board of directors shall again nominate two directors to act on the managing committee and may either continue the retiring directors or either of them or nominate others in their stead Provided that if any director so nominated as aforesaid shall cease to be a director of the Company during his term of office on the managing committee the board shall forthwith nominate another director to act on such committee in his place ;
- (c) The general manager the secretary and the accountant of the Company.

(2) At a date to be fixed by the managing committee not earlier than six months nor later than twelve months after the appointed day two persons chosen from amongst themselves shall be elected by the delegates as and shall thereupon become additional members of the managing committee one of such persons being elected by

the delegates of the contributing members in Class 2 and the other by the delegates of the contributing members in Class 3 and the persons so elected shall hold office for one year from the date of their election. At the end of such year and thenceforward in every subsequent year there shall be a similar election by the delegates and the first election and all subsequent elections shall be conducted in manner to be prescribed by the rules.

(3) The managing committee may subject to the provisions of this Act make rules for the management control regulation and administration of the Pension Fund and may thereby provide (inter alia) for the following matters or any of them viz. :—

- (a) The election of delegates by contributing members and the election by such delegates of the two members of the managing committee herein-before referred to;
- (b) The terms upon which servants may from time to time be admitted or allowed to remain as contributing members under exceptional circumstances;
- (c) The payment from the Pension Fund to contributing members or pensioned members or their representatives of sums other than pensions whether by way or on account of unexhausted members' contributions or otherwise and either with or without interest;
- (d) The transfer of servants from one class to another for the purpose of contributions or benefits in such circumstances and upon such terms and at such rates as in each case they may determine;
- (e) The contribution by the Company of sums either equivalent to additional or other payments made by contributing members under the rules or otherwise as may be determined:

Provided that no rule to be made by the managing committee shall diminish the benefits of the Pension Fund as by this Act declared or increase the liabilities of contributing members thereto except so far as any rule made under the special power hereby conferred may alter or affect such liabilities. Provided also that no rule to be so made shall have any force or effect until it shall have been submitted to and approved by a resolution of the board of directors of the Company.

12. It shall in the circumstances herein-after mentioned be lawful for the managing committee to pay apply or deal with pensions or moneys due from the Pension Fund in manner following (that is to say) :—

As to payment of money in certain cases.

- (a) Any contributing member may by a document in writing under his hand delivered or sent by registered letter to the

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secretary of the Pension Fund nominate any person not being a servant unless such servant be the father child grandchild brother or nephew of the nominator to whom any part of the amount (not exceeding one hundred pounds) payable on the decease of such nominator out of the Pension 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 managing committee shall pay to the person so nominated the sum not exceeding the amount aforesaid to which such person shall be so entitled and all payments so made by the managing committee whether the nominator has made his will previously or subsequently to the date of such nomination shall be valid as against and shall discharge the Company and the Pension Fund from all claims and demands by any other person as next-of-kin or as legal personal representative of any such deceased member so 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 who shall actually have received the same shall not be prejudiced or affected by anything herein contained :

- (b) If the total property of any deceased nominator exceeds one hundred pounds after deduction of debts and funeral expenses any sum which may be paid hereunder 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 managing committee shall before making any payment in respect of moneys standing to the credit of a deceased nominator to any other than the legal personal representative of such deceased nominator require a declaration by the claimant or claimants or one of them or some other person with knowledge of the facts 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 and in every case where the total estate of the deceased nominator (including such moneys) but after deduction of debts and funeral expenses exceeds one hundred pounds the managing 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

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estate duty and of a duly stamped receipt for the succession or legacy duty (if any) payable in respect of such moneys or of a certificate stating that no succession or legacy duty is payable:

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(c) In all cases other than those above-mentioned the sums due hereunder or under the rules to the estate of a deceased contributing member or pensioned member shall be paid to his executors or administrators but the managing committee may at their discretion where the sum payable does not exceed one hundred pounds and there is no legal personal representative of a deceased contributing member or pensioned member duly appointed by probate or letters of administration produced to the secretary of the Pension Fund within one month from the date of the death of such member or if notice be given within the same period of an intention to obtain probate or letters of administration such probate or letters be not produced within two months from the date of death pay to the widow or children or other relative of such member or either or any of them the sum due to the estate of such member without requiring the receipt or discharge of a duly constituted legal personal representative of such member 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 member or his legal personal representative (if and when duly constituted) or any other person against the Pension Fund or the Company or the directors and the receipt of any person under the age of twenty-one years shall be a good discharge for any sum so paid or payable to him or her.

13. Nothing in this Act contained or provided shall affect or take away the right or power of the Company to grant out of their own funds such pension or other allowances to any of their officers or servants during old age or sickness as the directors may from time to time think fit and whether such officers and servants are contributing members or not and the Company shall be at liberty to maintain and continue to contribute to the fund known as the Benevolent Fund and to grant or make thereout such or similar allowances or payments as have heretofore been granted and made.

Saving of rights of directors to grant other pensions.

14. 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 Company.

Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

PERIODICAL PAYMENTS BY AND PENSIONS TO SERVANTS
 OF THE FIRST CLASS.

PERIODICAL PAYMENTS.

Each servant of the first class being a contributing member shall pay or contribute to the Pension Fund a sum equal to two-and-a-half per centum of his monthly salary or weekly wages in each and every month during which he continues to be a servant of the first class.

PENSIONS.

Every servant of the first class who has been a contributing member for ten years or upwards shall on attaining the age of sixty years or at any time afterwards be entitled to cease making his member's contributions and to become a pensioned member provided that he thereupon ceases to be a servant and he shall for the rest of his life receive from the Pension Fund a pension according to the following scale computed upon the average of the annual salary or wages which he received during the seven years of his service immediately antecedent to retirement.

Years of Contribution completed.	Pension in proportion of average Salary of last 7 years.	Years of Contribution completed.	Pension in proportion of average Salary of last 7 years.
10	10/50ths	23	23/50ths
11	11/ "	24	24/ "
12	12/ "	25	25/ "
13	13/ "	26	26/ "
14	14/ "	27	27/ "
15	15/ "	28	28/ "
16	16/ "	29	29/ "
17	17/ "	30	30/ "
18	18/ "	31	31/ "
19	19/ "	32	32/ "
20	20/ "	33	33/ "
21	21/ "	34	33½/ "
22	22/ "	and upwards	

Notwithstanding anything appearing in the foregoing scale no pension shall be less than thirty pounds per annum.

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PERIODICAL PAYMENTS BY AND PENSIONS TO SERVANTS
OF THE SECOND CLASS.

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PERIODICAL PAYMENTS.

The periodical payments to the Pension Fund to be made by each servant of the second class being a contributing member in Class 2 shall be divided into two sections (A and B) and—

In Section A contributing members shall pay tenpence per week ;

In Section B contributing members shall pay sevenpence per week.

Servants of the second class being contributing members in Class 2 whose wages shall not be less than thirty-five shillings per week or five shillings and tenpence per day may join either section at their option but they must state in their form of application to which section they wish to contribute and they will not be allowed to change their section except with the consent of the managing committee and in accordance with the rules. Servants of the second class in receipt of wages at a rate less than thirty-five shillings per week or less than five shillings and tenpence per day can only join Section B. A member of Section B may within three months after becoming eligible by reason of his receiving the prescribed wages join Section A provided that in addition to the sum of tenpence per week to be thereafter contributed by him as a member of that section he shall as from the date of his so joining contribute a sum of threepence for each sum of sevenpence which he contributed as a member of Section B together with compound interest at the rate of four per centum per annum on each such sum of threepence from the time when the same would have been paid as part of the periodical payment of tenpence per week if he had originally joined Section A until payment thereof. Such additional sums and interest to be paid in one sum or by instalments as the managing committee shall determine.

PENSIONS.

Every contributing member who shall have attained the age of sixty-five years and shall have made the appropriate member's contributions for thirty years shall be at liberty to retire from the service of the Company and thereupon his member's contributions shall cease and he shall become entitled to receive a pension at the rate of fifty pounds per annum if he contributed in Section A and thirty-five pounds per annum if he contributed in Section B.

PERIODICAL PAYMENTS BY AND PENSIONS TO SERVANTS
OF THE THIRD CLASS.

PERIODICAL PAYMENTS.

The periodical payments to the Pension Fund to be made by each servant of the third class being a contributing member and by each servant of the second class electing to be a contributing member in Class 3 shall be divided into four sections (A B C and D) and—

In Section A contributing members shall pay fivepence per week ;

In Section B contributing members shall pay fourpence per week ;

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In Section C contributing members shall pay threepence per week ;

In Section D contributing members shall pay twopence per week :

And servants of the second and third class must state in their application to which section they wish to contribute and they will not be allowed to change their section except with the consent of the managing committee and in accordance with the rules.

PENSIONS.

Every contributing member who shall have attained the age of sixty-five years and shall have made the appropriate members' contributions for thirty years shall be at liberty to retire from the service of the Company and thereupon his member's contributions shall cease and he shall become entitled to receive a pension of twenty-five pounds per annum if he contributed in Section A a pension of twenty pounds per annum if he contributed in Section B a pension of fifteen pounds per annum if he contributed in Section C and a pension of ten pounds per annum if he contributed in Section D.

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