
STATUTORY INSTRUMENTS

1956 No. 732

The National Insurance (Modification of the London Transport and Railway Pension Schemes) Regulations 1956

4.—(1) Subject to the provisions of this paragraph, this Regulation applies to every employed person being an existing member of a railway pension scheme:

Provided that this Regulation shall not apply in the case of an existing member who was, immediately before he became an employed person,—

- (a) employed as an officer or servant by any of the bodies specified in the Third Schedule to the Transport Act, 1947; or
- (b) a person who had been continuously employed as an officer or servant by the Railway Clearing House since the 1st January, 1948.

(2) Subject to the provisions of paragraph (4) of this Regulation, the contributions payable under his railway pension scheme by or in respect of an existing member to whom this Regulation applies shall, as from the 1st September, 1956, be reduced, according to his age at the 1st September, 1956, in accordance with that one of the columns of Table 1 set out in the First Schedule to these Regulations as may be applicable to his case.

(3) Subject to the provisions of paragraph (4) of this Regulation, the annual superannuation allowance payable under his railway pension scheme to an existing member to whom this Regulation applies shall, as from the date on which he becomes entitled thereto or as from the date on which he reaches the relevant age, whichever date is the later, be reduced by £1 14s. 0d. for every completed year of pensionable service since the 1st September, 1956, or by £67 12s. 0d., whichever is the less.

(4) Subject to the provisions of this paragraph, where an existing member to whom this Regulation applies gives notice in writing to that effect to the secretary of his railway pension scheme, the persons administering the scheme or, as the case may be, the persons in whom any funds held for the purposes of the scheme are vested, shall open in the books of the scheme credit accounts in favour respectively of the existing member and of any other person liable to pay contributions under the scheme in respect of him and shall pay into the respective credit accounts so opened a sum equal in amount to the difference between—

- (a) the aggregate of all the sums paid by way of contributions by the existing member or, as the case may be, the other person between the 5th July, 1948, or, if the existing member was not then a member of the scheme, the date on which he became a member and the date on which the said notice is received by the secretary of his railway pension scheme; and
- (b) the aggregate of all the sums which would have been so payable by way of contributions by the existing member or, as the case may be, the other person had the amount thereof been reduced throughout the said period in accordance with the provisions of paragraph (2) of this Regulation:

and where such a notice is given by any existing member to whom this Regulation applies paragraph (2) of this Regulation shall have effect as if the reference therein to his age at the 1st September, 1956 were a reference to his age at the 5th July, 1948, or, if the existing member was not then a member of the scheme, at the date on which he became a member and paragraph (3) of this Regulation shall have effect as if the reference therein to years of pensionable service since the 1st

September, 1956 were a reference to pensionable service since the 5th July, 1948, or, if the existing member was not then a member of the scheme, the date on which he became a member:

Provided that the provisions of this paragraph shall not apply in any case where the notice is not given within three months of the 1st September, 1956, or, if on that date the existing member concerned is employed wholtime in Her Majesty's forces, within three months of his ceasing to be so employed.

(5) Where an existing member to whom this Regulation applies duly gives a notice under paragraph (4) of this Regulation, the persons administering his railway pension scheme or, as the case may be, the persons in whom any funds held for the purposes of the scheme are vested shall, as from the date on which the secretary of the scheme receives the notice, apply the sums paid into the respective credit accounts, so far as the said sums permit, for such one of the following purposes as may for the time being be appropriate:—

- (a) so long as contributions continue to be payable under the scheme by or in respect of the existing member, in reducing the sums due to be paid by way of contributions by the person in whose favour the credit account was opened;
- (b) where contributions cease to be payable under the scheme by or in respect of the existing member by reason of his death or withdrawal from membership of the scheme, in refunding to the persons administering the scheme or, as the case may be, to the persons in whom any funds held for the purposes of the scheme are vested, the sums paid by them into the respective credit accounts;
- (c) in any other case—
 - (i) in paying to the existing member a sum equal in amount to the balance remaining in his credit account reduced by an amount equal to any sum which the persons administering the scheme or, as the case may be, the persons in whom any funds held for the purposes of the scheme are vested, may become liable to pay by way of income tax in consequence of the payment so made to that member, and in paying to the said persons a sum equal in amount to any sum which they may become so liable to pay by way of income tax; and
 - (ii) in reducing any liability to the scheme of the person, other than the existing member, in whose favour the credit account was opened.