

Superannuation Schemes (War Service) Act (Northern Ireland) 1941

1941 CHAPTER 6

An Act to enable provision to be made for preventing loss of benefits under certain superannuation schemes by persons undertaking service in the forces or employment for war purposes. [1st July 1941]

1 Power to make provision for continuance of benefits.

(1) Where a person who by virtue of any employment fell within a class of persons for whose benefit a superannuation scheme to which this Act applies is in force has ceased to follow that employment during the period of the present emergency (whether before or after the commencement of this Act) in order to undertake service in any of the naval, military or air forces of the Crown, or employment for war purposes, the following provisions shall have effect in relation to that person (in this Act referred to as "the employee").

(2) The trustees or other persons concerned with the administration of the scheme shall have power, and shall be deemed always to have had power, notwithstanding anything to the contrary in the scheme or in any enactment or rule of law, to do all such things as appear to them necessary to secure that the benefits accruing under the scheme to the employee or accruing thereunder to any other person by reference to the employee's employment, should be the same, as nearly as may be, as if he had not ceased to follow his employment, subject to any adjustments which they may think proper to make.

(3) Any person who would have been authorised to make any contributions for the purposes of the scheme if the employee had continued to follow his employment during the period of his service in the forces, or of his employment for war purposes, shall have power, and shall be deemed always to have had power, notwithstanding anything to the contrary in the scheme or in any enactment or rule of law, to make those contributions and to make any contributions for the purposes of the scheme which the employee would in the ordinary course have made if he had so continued.

(4) Sub-section (2) of this section shall not have effect if the scheme is constituted by rules of a friendly society or trade union within the meaning of the Societies (Miscellaneous

Provisions) Act (Northern Ireland), 1940 , or of a society registered or deemed to be registered in Northern Ireland under the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1929; and if a fund is registered under the Superannuation and other Trust Funds (Validation) Act (Northern Ireland), 1928 , in connection with the scheme, then—

(a) the power conferred by sub-section (2) of this section shall be exercisable only in accordance with a resolution recorded in writing; and

(b) the trustees shall, within twenty-one days after the passing of any such resolution, furnish a copy thereof to the registrar within the meaning of that Act; and

(c) if any amendment of the rules of the fund is effected, sub-section (3) of section three of that Act shall have effect in relation to the amendment notwithstanding anything in sub-section (2) of this section.

(5) The schemes to which this Act applies are any superannuation schemes in force with respect to any persons other than such persons as are specified in the Schedule to this Act.

(6) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

"Employment for war purposes" means employment, or employment in work of a kind, which the Ministry of Labour[F1] certifies to be such as in the opinion of the Ministry may properly be treated for the purposes of this Act in the same manner as service in the forces of the Crown;

"Period of the present emergency" means the period beginning with the date of the commencement of the Reserve and Auxiliary Forces Act, 1939 , and ending on such day as the Governor of Northern Ireland may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

"Superannuation scheme" means any enactment, rules, deed or other instrument, providing for the payment of annuities or lump sums to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits.

Annotations:
F1 Now D/HSS, 1946 c.11 (NI); SRO (NI) 1964/205

2 Short title.

This Act may be cited as the Superannuation Schemes (War Service) Act (Northern Ireland), 1941.