The National Insurance (Modification of Local Government Superannuation Schemes) (Amendment No. 2) Regulations, 1949

1949 No. 1466

Made - - - -	*29th July*, 1949
Laid before Parliament	*29th July*, 1949
Coming into Operation	*1st August*, 1949

M.H. 109549.

The Minister of Health, in exercise of the powers conferred on him by subsection (4) of section 69 of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1.—(1) These regulations may be cited as the National Insurance (Modification of Local Government Superannuation Schemes) (Amendment No. 2) Regulations, 1949, and shall come into operation on the first day of August, 1949.

(2) These regulations shall be read as one with the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947(b) (hereinafter called " the principal regulations "), as amended, and shall be included among the enactments which may be cited together as the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947 to 1949(c).

(3) The Interpretation Act, 1889(d), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2.—(1) In the principal regulations, as amended, in regulation 9 thereof, there shall be inserted after the words " National Health Service Act, 1946," the words " or made by the Secretary of State under section 66 (1) of the National Health Service (Scotland) Act, 1947(e), or within twelve months after leaving employment in relation to which he was a contributory employee or local Act contributor within the meaning of the Local Government Superannuation (Scotland) Act, 1937(f) ", and there shall be substituted for the words " the said regulations " the words " whichever of the said regulations were applicable or as a contributory employee or local Act contributor within the meaning of the Local Government Superannuation (Scotland) Act, 1937, as the case may be,".

(2) Where a person has become a contributory employee or local Act contributor before the date of the coming into operation of these regulations after leaving employment in relation to which he was entitled to participate in superannuation benefits provided by regulations made by the Secretary of State under section 66 (1) of the National Health Service (Scotland) Act, 1947, or in relation to which he was a contributory employee or local Act contributor within the meaning of the Local Government Superannuation

(a) 9 & 10 Geo. 6. c. 67. (b) S.R. & O. 1947 (No. 1245) I, p. 1498.
(c) S.R. & O. 1947 (No. 1245) I, p. 1498, S.R. & O. 1947 (No. 1675) I, p. 1507, S.I. 1948 (No. 1225) I, p. 2861 and S.I. 1949 No. 632, p. 2750 above.
(d) 52 & 53 Vict. 6. c. 63. (e) 10 & 11 Geo. 6. c. 27.
(f) 1 Edw. 8. & 1 Geo. 6. c. 69.

(Scotland) Act, 1937, and he would, had regulation 9 of the principal regulations, as amended by the preceding paragraph, been in operation at the date on which he became such an employee or contributor as aforesaid, have had the benefit of that regulation, as so amended as aforesaid, then, if the person is such an employee or contributor at the date of the coming into operation of these regulations, or, if he is not such an employee or contributor at that date, he again becomes such an employee or contributor within twelve months after ceasing to be such an employee or contributor, he shall be treated as from the said date or as from the date on which he again becomes such an employee or contributor, as the case may be, as a person to whom regulation 9 of the principal regulations, as so amended as aforesaid, applies:

Provided that a person shall not have the benefit of this paragraph unless within three months after the date of the coming into operation of these regulations or the date on which he again becomes a contributory employee or local Act contributor, as the case may be, he pays to the authority maintaining the superannuation fund to which he is a contributor the difference between the aggregate amount of the contributions he would have been liable to make as a contributory employee or local Act contributor since the fourth day of July, 1948, had regulation 9, as so amended as aforesaid, applied to him on his becoming such an employee or contributor, and the aggregate amount of the contributions he has made as such, and any sum so paid shall be treated as contributions paid by him under the Act of 1937 or the local Act scheme.

Given under the official seal of the Minister of Health this twenty-ninth day of July, nineteen hundred and forty-nine.

(L.S.)

Aneurin Bevan,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Regulation 9 of the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947, ensures that persons transferring from the English health service to English local government shall retain the benefit of any options they may have exercised in relation to the modification of their superannuation rights in consequence of the benefits provided by the National Insurance Act. These regulations extend the operation in future of regulation 9 by making it apply to persons who transfer or have transferred from the Scottish health service or Scottish local government to English local government.