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

1949 No. 1989 (S. 139)

Made - - - -	24*th October*, 1949
Laid before Parliament	27*th October*, 1949
Coming into Operation	31*st October*, 1949

The Secretary of State, 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) (Scotland) (Amendment No. 2) Regulations, 1949, and shall come into effect on the 31st day of October, 1949.

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

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

2.—(1) In the principal regulations, as amended, in regulation 9 thereof—

(*a*) there shall be inserted after the words "National Health Service (Scotland) Act, 1947" the words "or by the Minister of Health under section 67 (1) of the National Health Service Act, 1946(e) or in relation to which he was a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act, 1937(f)", and

(*b*) there shall be substituted for the words "the said regulations" the words "one or other of the said regulations or as a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act, 1937".

(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 Minister of Health under section 67 (1) of the National Health Service Act, 1946, or in relation to which he was a contributory employee or local

(a) 9 & 10 Geo. 6. c. 67.
(b) S.R. & O. 1947 (No. 1697) I, p. 1509.
(c) S.R. & O. (No. 1697) I, p. 1509, S.I. 1948 (No. 1559) I, p. 2863, and S.I. 1949 No. 617, p. 2754 above.
(d) 52 & 53 Vict. c. 63.
(e) 9 & 10 Geo. 6. c. 81.
(f) 1 Edw. 8 & 1 Geo. 6. c. 68.

Act contributor within the meaning of the Local Government Superannuation 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 and has been such an employee or contributor without any break of more than twelve months, or, if he is not such an employee or contributor at the said 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.

Dated this 24th day of October, 1949.

Arthur Woodburn,
One of His Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

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) (Scotland) Regulations, 1947, ensures that persons transferring from the National Health Service in Scotland to Scottish 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 of regulation 9 by making it apply to persons who transfer or have transferred from the National Health Service or local government in England to Scottish local government.