(ii) SCOTLAND

The National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Amendment Regulations, 1949

1949 No. 617 (S. 34)

Made - - - -	29*th March*, 1949
Laid before Parliament	30*th March*, 1949
Coming into Operation	1*st April*, 1949

The Secretary of State, in exercise of the powers conferred on him by sub-section (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 Regulations, 1949, and shall come into operation on the first day of April, 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 may be cited together with the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947 and 1948(c) as the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947 to 1949.

(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. Any reference (however expressed) in the principal regulations, as amended, to a period of twelve months from the date on which a person ceases to be employed by a local authority shall be construed in relation to a person to whom Section 6 of the Superannuation (Miscellaneous Provisions) Act, 1948(e) (hereinafter called "the Act of 1948"), has become applicable as a reference to a period of five years from the date of cessation of employment, or such longer period as the Secretary of State may, in any particular case, allow.

3. In regulation 1 of the principal regulations, there shall be substituted for the definition of "national service" the following definition "'national service', in relation to any person, means compulsory national service within the meaning of the Act of 1948, and includes any period immediately following the termination thereof during which the person, with the consent of the authority or body by whom he was employed before undertaking compulsory national service, continued in similar service."

4. In the principal regulations—

(*a*) in proviso (*a*) to regulation 5, there shall be substituted for all words after the words "war service" the words "or immediately after so ceasing became engaged in national service, but re-entered employment in one of those capacities, in the case of a person on

(a) 9 & 10 Geo. 6. c. 67. (b) S.R. & O. 1947 (No. 1697) I, p. 1509.
(c) S.R. & O. 1947 (No. 1697) and S.I. 1948 (No. 1559) I, p. 2863. (d) 52 & 53 Vict. c. 63.
(e) 11 & 12 Geo. 6. c. 33.

war service, within twelve months after the termination of that war service, and in the case of a person on national service, within six months after the termination thereof";

(*b*) in the proviso to regulations 9 and 10 there shall be substituted for all words after the words "war service" the words "or immediately after so ceasing becomes engaged in national service but re-enters employment in one of those capacities, in the case of a person on war service within twelve months after the termination of that service, and in the case of a person on national service within six months after the termination thereof."

5. In regulation 15 of the principal regulations, there shall be inserted after the words "ceased to be employed as aforesaid" the words "or, if he is a person to whom section 6 of the Act of 1948 has become applicable, the date upon which he enters his new employment".

Dated this 29th day of March, 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.)

Section 6 of the Superannuation (Miscellaneous Provisions) Act, 1948, inter alia, extends to five years or such longer period as the Secretary of State may allow in any particular case the period of twelve months within which a person who has been a contributory employee under the Local Government Superannuation (Scotland) Act, 1947, or a local Act contributor under a local Act superannuation scheme may again become such an employee or contributor with the preservation of his prospective pension rights in the case of a person of that class who has lost his employment, as a result of action of the nature mentioned in the section taken by a local authority during a period of emergency specified in a direction issued by the Secretary of State. The Secretary of State has directed that the period ending on the 30th June, 1949, shall be treated as a period of emergency for this purpose.

There are various provisions in regulations made by the Secretary of State under Section 69 (4) of the National Insurance Act, 1946, which modify the pension rights of insured persons employed by local authorities on transfer to other local government employment according to whether or not the entry into the new employment takes place within a period of twelve months after the cessation of the former employment.

These regulations are designed to extend that period by bringing those provisions into line with the statutory provision which has now been made.

These regulations also make certain amendments to the principal regulations which are consequential on the Superannuation (Local Government Staffs) (National Service) (Scotland) Rules, 1949.