PENSION SCHEMES AND ENACTMENTS

1953 No. 447 (S. 41)

The National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) (Amendment) Regulations, 1953

Made - - - -	12*th March*, 1953
Laid before Parliament	17*th March*, 1953
Coming into Operation	18*th March*, 1953

In exercise of the powers conferred on me by subsection (4) of section 69 of the National Insurance Act, 1946(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) (Amendment) Regulations, 1953, and shall come into operation on the 18th day of March, 1953.

(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 to 1949(c), as the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947 to 1953.

(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. In the principal regulations, as amended, the following regulation shall be inserted after Regulation 9 thereof:—

"9A.—(1) Where a person becomes a contributory employee or local Act contributor on leaving employment as a member of a fire brigade of a class prescribed by the Firemen's Pension Scheme for the purposes of section 2 of the Fire Services Act, 1951(e), having immediately before leaving that employment been an insured person and where he is entitled to reckon a period as a period of contributing service or service for the purpose of a local Act scheme, as the case may be, by virtue of regulations made by the Secretary of State under section 28 of the Fire Services Act, 1947(f), then—

(*a*) if he was not subject to the operation of the provisions of the Firemen's Pension Scheme relating to the reduction of ordinary short service and ill-health pensions (being provisions modifying the benefits provided by that scheme in relation to an insured person) these regulations shall not apply to him; and

(a) 9 & 10 Geo. 6. c. 67. (b) S.R. & O. 1947/1697; Rev. XVI, p. 286; 1947 I, p. 1509.
(c) S.R. & O. 1947/1697; Rev. XVI, p. 286; 1947 I, p. 1509; S.I. 1948/1559; Rev. XVI, p. 286; 1948 I, p. 2863; S.I. 1949/617, 1989; 1949 I, pp. 2754, 6.
(d) 52 & 53 Vict. c. 63. (e) 14 & 15 Geo. 6. c. 27. (f) 10 & 11 Geo. 6. c. 41.

(*b*) if he was subject to the operation of those provisions—

(i) these regulations shall apply to him as though the said period were a period of contributing service or service for the purposes of the local Act scheme, as the case may be, rendered on or after the 5th day of July, 1948 ; and

(ii) if he was subject thereto by virtue of the making of an election or the giving of a notice, these regulations shall have effect as if subparagraph (i) of Regulation 5 applied in his case, unless he has had such a break as is therein mentioned, with the modification that the reference to his age at the material date shall be construed as a reference to his age at the date on which the said notice of election became effective ;

Provided that no account shall be taken of any period he is so entitled to reckon as a period of contributing service or service for the purposes of the local Act scheme, as the case may be, which is not attributable to service which would have been taken into account for the purposes of the said provisions.

(2) In this regulation the expression " Firemen's Pension Scheme " means the scheme for the time being in force under section 26 of the Fire Services Act, 1947 ".

Dated this 12th day of March, nineteen hundred and fifty-three.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

EXPLANATORY NOTE

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

These regulations amend the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947, by the addition of a provision which ensures that persons who transfer from the fire service to employment in which they are subject to the Local Government Superannuation (Scotland) Act, 1937, or a local Act scheme in circumstances in which their service as firemen is reckonable for superannuation purposes, shall retain the benefit of any options they may have exercised in relation to the modification of their superannuation rights under the Firemen's Pension Scheme in consequence of the benefits provided by the National Insurance Act.