1954 No. 1244 (S. 118)

The National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Amendment Regulations, 1954

Made - - - -	*22nd September*, 1954
Laid before Parliament	*27th September*, 1954
Coming into Operation	*1st October*, 1954

Whereas the Treasury has determined under subsection (4) of section 69 of the National Insurance Act, 1946(a), that the Secretary of State is the appropriate Minister to make regulations under that subsection for modifying or winding up schemes for the provision of pensions or other benefits and established under the Local Government Superannuation (Scotland) Act, 1937(b) or a local Act:

Now therefore in the exercise of the powers conferred on me by the said subsection, 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, 1954, and shall come into operation on the first day of October, 1954.

(2) The National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947 to 1953, and these regulations may be cited together as the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947 to 1954.

2.—(1) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations—

"the benefits regulations" means the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954(d);

"the principal regulations" means the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947(e) as amended by subsequent regulations(f).

3. Notwithstanding anything contained in regulation 3 of the principal regulations—

(*a*) regulation 4 of the principal regulations shall not apply to a person who entered the employment in which he is a contributory employee or a local Act contributor after having become entitled (otherwise than in consequence of permanent ill-health or infirmity of body or mind) on leaving employment in which he was a contributory employee or a local

(a) 9 & 10 Geo. 6. c. 67. (b) 1 Edw. 8 & 1 Geo. 6. c. 69.
(c) 52 & 53 Vict. c. 63. (d) S.I. 1954/1059 (1954 II, p. 1632).
(e) S.R. & O. 1947/1697 (Rev. XVI, p. 286: 1947 I, p. 1509).
(f) S.I. 1948/1559 (Rev. XVI, p. 286: 1948 I, p. 2863), 1949/617, 1989, 1953/447 (1949 I, pp. 2754, 2756; 1953 I, p. 1381).

Act contributor or in respect of which he was superannuable out of public funds to a retirement pension under the benefits regulations or to a benefit under those regulations corresponding to a superannuation allowance under Part I of the Act of 1937 or to any corresponding benefit payable under any enactment or any scheme made under an enactment;

(*b*) regulation 5 and, in so far as they relate to the modification of benefits, regulations 9, 9A and 11 of the principal regulations shall cease to apply to a person as from the time that there become applicable to him the corresponding provisions of Part III of the benefits regulations or of a local Act scheme or of a scheme under the Local Government Superannuation (Scotland) Act, 1937, or the Local Government Superannuation Act, 1953(a).

4.—(1) In paragraph (3) of regulation 1 of the principal regulations for the definition of "the material date" there shall be substituted the following definition:—

"'the material date' in relation—

(*a*) to an insured person who was a contributory employee, a local Act contributor or an established officer or servant on the first day of September, 1947, and was then insured under the National Health Insurance Acts or under the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, means that day;

(*b*) to an insured person who at any time after the said first day of September was insured under the National Health Insurance Acts or the said Act of 1936 in the capacity of contributory employee, local Act contributor or established officer or servant or an insured person in one of those capacities, means the date on which he was first after the date aforesaid insured thereunder or an insured person;

(*c*) to any other person, means the date on or after the coming into operation of these regulations on which he is first an insured person in the capacity of contributory employee or local Act contributor."

(2) In the said paragraph (3) for the definition of "national service" there shall be substituted the following definition:—

"'national service', in relation to any person, means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(b), and includes any period immediately following the termination thereof during which the person, with the consent of the authority or person by whom he was employed before undertaking that service, continues in similar service."

5. In regulation 4 of the principal regulations for the words "a female nurse, midwife or health visitor" in both places where they occur there shall be substituted the words "a female nurse, female physiotherapist, midwife or health visitor to whom regulation 21 or regulation 22 of the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954, applies or a person to whom the said regulations apply with the modifications provided in regulation 23 thereof or a person subject to provisions corresponding to the said regulation 23 contained in a local Act scheme or a scheme under the Act of 1937 or the Local Government Superannuation Act, 1953".

6. In regulation 11 of the principal regulations the words "in the employment of that authority or in the employment of any other authority whose

(a) 1 & 2 Eliz. 2. c. 25. (b) 14 & 15 Geo. 6. c. 65.

employment he enters in consequence of the transfer to that authority by any enactment of any functions of the first-mentioned authority " shall cease to have effect.

7. Regulation 15 of the principal regulations shall cease to have effect.

Dated this 22nd day of September, nineteen hundred and fifty-four.

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.)

The Local Government Superannuation (Benefits) (Scotland) Regulations, 1954, contain provisions for the modification of benefits under those regulations, and schemes made in relation to local Acts will in due course do the same in relation to benefits under such Acts. Regulation 3 of these regulations accordingly removes from the operation of the principal regulations, so far as modification of benefits is concerned, any person to whom the modification provisions of the benefits regulations or of such a scheme apply.

Regulations 4 and 5 bring the principal regulations up-to-date in the light of the benefits regulations.

Regulation 6 removes a limitation on the circumstances in which certain contributory employees continue to be treated as subject to schemes made under the Widows', Orphans' and Old Age Contributory Pensions Act, 1936.

The subject matter of regulation 7 is now contained in the Local Government Superannuation (Transfer Value) (Scotland) Regulations, 1954, which also come into operation on the 1st October, 1954.

RECIPROCAL AGREEMENTS

1954 No. 836

The National Insurance and Industrial Injuries (Jersey) Order, 1954

Made - - - - *24th June,* 1954
Coming into Operation *2nd August,* 1954

At the Court at Buckingham Palace, the 24th day of June, 1954

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 64 of the National Insurance Act, 1946(a), and section 85 of the National Insurance (Industrial Injuries) Act, 1946(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 62.