1960 No. 1785 (S. 89)

The National Insurance (Non-participation—Local Government Staffs) (Scotland) Regulations, 1960

Made - - - -	*28th September*, 1960
Laid before Parliament	*5th October*, 1960
Coming into Operation	*6th October*, 1960

In exercise of the powers conferred on me by section 12 of the National Insurance Act, 1959(a), and of all other powers enabling me in that behalf, I hereby make the following regulations after consultation with the bodies referred to in subsection (3) of that section :—

Citation and commencement

1. These regulations may be cited as the National Insurance (Non-participation—Local Government Staffs) (Scotland) Regulations, 1960 and shall come into operation on the 6th day of October, 1960.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

" the Act " means the National Insurance Act, 1959 ;

" the Certificates Regulations " means the National Insurance (Non-participation—Certificates) Regulations, 1959(b) ;

" election " means an election with a view to the issue, variation, cancellation or surrender of a certificate that any employment is to be treated for the purposes of the Act, either generally or in relation to any description of persons specified in that certificate, as a non-participating employment ;

" specified class of employments " has the meaning assigned to it in regulation 3 of these regulations ;

and other expressions have the same meanings as in the Act.

(2) Unless the context otherwise requires references in these regulations to any enactment or regulations shall be construed as references to such enactment or regulations as amended or modified by any subsequent enactment, order or regulations.

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

Employments to which the Regulations apply

3. In these regulations the expression " the specified class of employments " means employments in which a person's service—

(*a*) qualifies him for retirement benefits by way of pension under the Local Government Superannuation (Scotland) Acts, 1937 to 1953, or would so qualify him but for any local Act providing for the payment of retirement benefits by way of pension for that service ; or

(a) 7 & 8 Eliz. 2. c. 47. (b) S.I. 1959/1860 (1959 II, p. 1867). (c) 52 & 53 Vict. c. 63.

(*b*) would qualify him as aforesaid but for rules having effect under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**),

but does not include any employment in which a person's service qualifies him as aforesaid by virtue of rules made under section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948 and section 41 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**b**), (which provide for the preservation of superannuation rights during periods of national service).

Elections etc. to be made by the Secretary of State

4.—(1) In relation to the specified class of employments—

(*a*) the Secretary of State hereby directs that every election shall be made or revoked by him instead of by the employer; and

(*b*) those things which are required or authorised to be done by or to the employer under the provisions of the regulations specified in paragraph (2) of this regulation shall be done by or to the Secretary of State.

(2) The provisions referred to in the last foregoing paragraph are—

(*a*) the following provisions of the Certificates Regulations—

(i) Part II (Notices and Elections);

(ii) Part IV (Determination of Questions by the Registrar) so far as it relates to questions arising under regulation 6;

(iii) Part V (Certificates); and

(*b*) so much of the National Insurance (Non-participation—Appeals and References) Regulations, 1959(**c**), as relates to appeals or references on questions arising under regulation 6 of the Certificates Regulations.

Employments to be treated for certain purposes as employments under a single employer

5. For the purposes of subsection (4) of section 9 of the Act (which subsection restricts the liability to make payments in lieu of contributions in relation to certain consecutive employments) and of any regulations made thereunder or under subsection (5) of that section (which subsection enables regulations to be made restricting the liability to make payments in lieu of contributions in relation to concurrent employments) and for the purpose of any regulations made under section 13 of the Act requiring employers to give notice to the Minister of Pensions and National Insurance when a person's period of service in a non-participating employment begins or comes to an end (or would be treated as having come to an end but for subsection (4) of the said section 9) the specified class of employments shall be treated as employments under a single employer different from the employer in any other employment.

Dated this 28th day of September, 1960.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(**a**) 11 & 12 Geo. 6. c. 33. (**b**) 14 & 15 Geo. 6. c. 65. (**c**) S.I. 1959/2119 (1959 II, p. 1856).

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations provide that the Secretary of State instead of the employer shall make any application for the issue, variation, cancellation or surrender of a certificate of non-participation in the scheme of retirement benefits provided for in Part I of the National Insurance Act, 1959, in respect of employees who are subject to the Local Government Superannuation (Scotland) Acts, 1937 to 1953, or to local Act schemes for the payment of pensions (apart from those employees who are for the time being on national service).

The regulations also provide that those things leading to the issue, variation, cancellation or surrender of certificates of non-participation, which apart from the regulations would fall to be done by or to the employer, are to be done by or to the Secretary of State, and that such certificates are to be issued to the Secretary of State.

For certain specified purposes the employments mentioned in the regulations are deemed to be employments under a single employer.