STATUTORY INSTRUMENTS

1961 No. 1398 (S. 87)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Superannuation) (Scotland) Regulations, 1961

Laid before Parliament in draft

Made - - - - 21*st July*, 1961
Coming into Operation 1*st October*, 1961

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In exercise of the powers conferred on me by subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947(a), as amended by section 29 of, and the Schedule to, the National Health Service (Amendment) Act, 1949, and by subsection (2) of section 4 of the Local Government Superannuation Act, 1953, and of all other powers enabling me in that behalf, I hereby make the following regulations, a draft of which has been laid before Parliament and has been approved by a resolution of each House of Parliament :—

PART I

PRELIMINARY

Citation and Commencement

1. These regulations may be cited as the National Health Service (Superannuation) (Scotland) Regulations, 1961, and shall come into operation on the first day of October, 1961.

Interpretation

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

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

"the Act" means the National Health Service (Scotland) Act, 1947;

"the Act of 1909" means the Asylums Officers' Superannuation Act, 1909;

"the Act of 1922" means the Local Government and other Officers' Superannuation Act, 1922;

"the Act of 1937" means the Local Government Superannuation (Scotland) Act, 1937;

"the Act of 1948" means the Superannuation (Miscellaneous Provisions) Act, 1948;

"the Act of 1953" means the Local Government Superannuation Act, 1953;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1960, or those Acts as at any time modified, extended or re-enacted or, in relation to an officer who has been an established civil servant, the appropriate provisions of those Acts in force on the date when that officer ceased, or is treated as having ceased, to be employed as an established civil servant;

"the 1948 regulations" means the National Health Service (Scotland) (Superannuation) Regulations, 1948(b);

"the 1949 regulations" means the National Health Service (Scotland) (Superannuation) (Amendment) Regulations, 1949;

"the 1950 regulations" means the National Health Service (Scotland) (Superannuation) Regulations, 1950;

"the 1955 Regulations" means the National Health Service (Superannuation) (Scotland) Regulations, 1955;

(a) For session and chapter numbers of all Acts mentioned in these regulations, see Table of Enactments preceding the Explanatory Note.

(b) For S.I. numbers and volume references of all statutory instruments mentioned in these regulations, see Table of Enactments preceding the Explanatory Note.

"the previous regulations" means any regulations heretofore made under subsection (1) of section 66 of the Act;

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

"the Teachers Superannuation Regulations" means the Teachers (Superannuation) (Scotland) Regulations, 1957;

"added years", in relation to any person, means any additional years of service reckonable by him under—

(*a*) regulation 12 of the Local Government Regulations, 1954;

(*b*) any corresponding provision of a local Act scheme, or scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19; or

(*c*) the said regulation 12 or any such provision as aforesaid as applied by regulations made under the Third or Fourth Schedule to the Act of 1953,

and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under or by virtue of any enactment by a contributory employee or by an employee subject to a local Act scheme or a scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19;

"additional contributory payment" has the same meaning as in the Act of 1937, and includes any payment made for the purposes of regulation 25, paragraphs (3) and (7) of regulation 30 and regulations 31 and 32 of these regulations and any payment made for the purposes of the corresponding provisions of the previous regulations;

"appointed day" means the fifth day of July, 1948;

"approved course of study or training", in relation to any person, means a course of study or training approved for the purposes of these regulations by the Secretary of State on the written application of that person made before or within three months after the commencement of the course or within such longer period as the Secretary of State may in any particular case allow;

"assistant practitioner" means an employee of a medical practitioner or dental practitioner on the list of an Executive Council, being himself a medical practitioner or dental practitioner wholly or mainly engaged in assisting his employer in the actual discharge of his duties as such practitioner, other than an employee of a medical practitioner for whose employment the consent of the Executive Council is not required;

"average remuneration" has the meaning assigned to it by regulation 35;

"contributing service" means service which is reckonable as contributing service in accordance with regulation 30, 31 or 32 and includes any added years reckonable in accordance with regulation 33;

"contributory employee" has the same meaning as in the Act of 1937;

"death gratuity" means a death gratuity payable under regulation 15;

"employing authority" means a Regional Hospital Board, an Executive Council or a joint committee of Executive Councils constituted under subsection (4) of section 32 of the Act, and any such other body constituted under the Act as the Secretary of State may approve;

" employment in the health service of Northern Ireland or the Isle of Man " means employment in which a person is subject to any regulations for the time being in force under section 61 of the Health Services Act (Northern Ireland), 1948, or section 54 of the National Health Service (Isle of Man) Act, 1948 (an Act of Tynwald);

" enactment " includes an enactment contained in an order, regulation, rule or other instrument having effect by virtue of an Act;

" established service " means service in the capacity of a civil servant for the purposes of the Superannuation Acts, and the term " established civil servant " shall be construed accordingly;

" excepted officer " means a person who at the date when he ceases to be employed or ceases to be an officer without ceasing to be employed is entitled to reckon as service for the purpose of these regulations any period prior to the twenty-ninth day of July, 1960, being a period during which he was an officer or was subject to any regulations for the time being in force under section 67 of the National Health Service Act, 1946, or was in employment in the health service of Northern Ireland or the Isle of Man and has not since the said date been engaged in any employment mentioned in sub-paragraphs (*b*), (*c*) or (*d*) of paragraph (3) of regulation 19 other than employment in the health service of Northern Ireland or the Isle of Man:

Provided that for the purpose of this definition no account shall be taken of any service which becomes reckonable by the making of additional contributory payments;

" injury allowance " means an injury allowance payable under regulation 12;

" judicially separated " means judicially separated in circumstances in which the husband is not required by decree or order of a competent court to contribute to the support of his wife, and is not, in fact, so contributing;

" local Act authority ", and " local Act scheme " have the same meanings respectively as in the Act of 1937;

" local Act contributor " has the same meaning as in the Act of 1937, and includes, in respect of any period before the fourteenth day of July, 1953, (being the date of amendment of the definition of " local Act contributor " in the Act of 1937 by the Act of 1953) a person who, although not in the employment of a local Act authority, was entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme;

" local health authority " includes a joint committee or joint board constituted under section 20 of the Act;

" mental health officer " means an officer on the medical or nursing staff of a hospital used wholly or partly for the treatment of persons suffering from mental disorder who devotes the whole or substantially the whole of his time to the treatment or care of such persons and such other classes or descriptions of officers employed in such hospitals as aforesaid as the Secretary of State may designate;

" 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, 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;

" non-contributing service " means service which is reckonable as non-contributing service in accordance with paragraph (6) of regulation 30;

" officer ", subject as provided in paragraph (4) of this regulation, has the meaning assigned to it by paragraph (1) of regulation 4;

" pension " means a pension payable under regulation 10;

" practitioner " means a medical practitioner or dental practitioner on the list of an Executive Council, and includes an assistant practitioner and a person rendering part-time specialist services under section 3 of the Act (which relates to the provision of hospital and specialist services);

" regulation " means regulation contained in these regulations;

" remuneration ", except as provided in regulations 61, 70, 72 and paragraph 1 of the third schedule means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and includes the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime or any allowances paid to him to cover the cost of providing office or laboratory accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment;

" retiring allowance " means a retiring allowance payable under regulation 10;

" schedule " means schedule to these regulations;

" service ", in relation to an officer of an employing authority, means continuous employment under that authority as an officer, after attaining the age of eighteen years, and any other employment or any war service or national service which by or under these regulations is reckonable as service in relation to his employment as such an officer, but does not include—

(*a*) any period of employment as an officer mentioned in paragraph (4) of regulation 9; or

(*b*) in the case of an officer who has entered employment after having become entitled to receive superannuation benefits, whether under these regulations or otherwise, employment which was taken into account for the purpose of determining whether he was entitled to receive those benefits or for the purpose of calculating those benefits;

" short service gratuity " means a short service gratuity payable under regulation 13;

" war service " means war service within the meaning of the Local Government Staffs (War Service) Act, 1939, or war service or a period of war service within the meaning of the Education (Scotland) (War Service Superannuation) Act, 1939, or service in any of the naval, military or air forces of the Crown, or employment for war purposes, within the meaning of the Superannuation Schemes (War Service) Act, 1940; and

" widow's pension " means a widow's pension payable under regulation 16;

(3) In these regulations, unless the context otherwise requires—

(*a*) references to any enactment shall be construed as references to that enactment as amended, extended or applied by any other enactment and accordingly (without prejudice to the generality of the preceding

provisions of this paragraph) any reference to the Act of 1937 shall, unless the context otherwise requires, be construed as including a reference to the Act of 1953 ;

(*b*) any reference to non-contributing service under a local Act scheme shall be construed as a reference to non-contributing service as defined in the relevant local Act scheme ; and

(*c*) any reference to a person's becoming an officer of an employing authority within twelve months after leaving employment subject to the Act of 1937 or a local Act scheme or within twelve months after ceasing to be a contributory employee or local Act contributor and any reference to the like effect shall be construed in relation to a person to whom section 6 of the Act of 1948 (which contains special provisions as to local government superannuation schemes during periods of emergency) has become applicable, as a reference to his becoming an officer within five years, or such longer period as the Secretary of State may in any particular case allow, after so leaving such employment or ceasing to be such an employee or contributor as aforesaid ;

Provided that nothing in this paragraph shall be construed as so affecting the construction of any other provisions of these regulations as to confer or impose on a person who, under these regulations or the previous regulations, exercises or has exercised, or is treated as having exercised an option to enjoy rights corresponding with those enjoyed by him immediately before becoming an officer, any rights or liabilities other than rights or liabilities corresponding with those which he enjoyed and to which he was subject immediately before becoming an officer.

(4) In these regulations unless the context otherwise requires—

(*a*) references to officers or to officers of an employing authority shall be construed as including references to persons who are deemed for the purposes of these regulations to be in the employment of an employing authority or of a body which is deemed to be an employing authority, and any other provisions relating to employment by or under an employing authority shall be construed accordingly ; and

(*b*) references to a person's having become or having been an officer or a practitioner shall, if that person became an officer or a practitioner by virtue of the previous regulations, be construed as references to that person's having become or having been an officer or a practitioner by virtue of and within the meaning of those regulations.

(5) For the purposes of exercising any rights which are dependent on, and limited in time by reference to, a person's having become an officer, a person shall not be deemed to have become an officer on the date of coming into operation of these regulations if, immediately before that date, he was an officer within the meaning of the 1955 regulations and, without any break in employment, is an officer within the meaning of these regulations.

(6) In these regulations any reference to a person's becoming an officer in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act (which relates to the acquisition of land required for the purposes of the Act) or in any other manner shall be deemed to include a reference to a person who becomes an officer in consequence of the transfer of hospitals or other premises, or any functions to the Secretary of State otherwise than under the Act, or in consequence of any decision by him to administer any premises under the Act.

(7) Subject to the provisions of paragraph (3) of regulation 81, for the purposes of these regulations a person shall not be treated as having become

an officer in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner unless, immediately before and at the date of acquisition, he was employed at the premises, or for the purposes of administering the services provided at the premises, and entered the employment of an employing authority as an officer in consequence of that acquisition.

(8) Where a person holds under an employing authority two or more separate employments of such a nature that he can cease to hold one without ceasing to hold the other or others, the provisions of these regulations shall, unless the context otherwise requires, apply as respects him in relation to each of the separate employments as if the other or others were an employment or employments held by him under another authority.

(9) In these regulations, unless the context otherwise requires, references to an officer's contributions (except references in regulations 9, 30, 32, 33, 44, 46, 51, 62 and in proviso (ii) to paragraph (1) of regulation 80) shall be construed as including references to—

(*a*) any sums contributed by him under regulation 9 or the corresponding provision of the previous regulations;

(*b*) any sums paid by him by way of additional contributory payments:

(*c*) any sums contributed, or treated as having been contributed, by him under the Act of 1909, the Act of 1922, the Act of 1937, a local Act scheme, the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946;

(*d*) any sums contributed by him under the Insurance Committee Officers' Superannuation Scheme or any scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19; and

(*e*) any sums paid by him under a scheme made under subsection (3) of section 28 of the Widows' Orphans' and Old Age Contributory Pensions Act, 1936 (which conferred a power to modify existing superannuation schemes) or the corresponding provisions of any Act repealed by that Act:

Provided that in proviso (*a*) to paragraph (1) of regulation 19 the reference to contributions shall be construed, in relation to a person who was in employment in which he was subject to the Act of 1937 or a local Act scheme, as a reference to contributions returned on or after his ceasing to hold that employment, other than payments made voluntarily for the purpose of securing benefits for his widow, children or other dependants and payments (other than completed payments, that is to say, payments in respect of a liability which has been wholly discharged) of any of the following categories—

(i) additional contributory payments of the kind referred to in subsections (3) and (4) of section 2 of the Act of 1953;

(ii) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme, or, where the local Act scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme;

(iii) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating the benefits under a local Act scheme; and

(iv) any payments made in respect of added years.

Revocation

3. The National Health Service (Superannuation) (Scotland) Regulations, 1955, and the National Health Service (Superannuation) (Scotland) Amendment Regulations, 1960, are hereby revoked:

Provided that,

(*a*) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or anything duly done or suffered under those regulations;

(*b*) without prejudice to the general application of section 38 of the Interpretation Act, 1889 (which relates to the effect of repeals), in so far as any agreement, order, requirement, designation, application, request or representation made, or any resolution passed, or any notice, direction, consent, sanction, approval, exemption or certificate given under any regulation revoked by these regulations, or any conditions imposed, or any proceedings instituted, or any other thing done, under any such regulation, could have been made, passed, given, imposed, instituted or done under or by a corresponding provision of these regulations, it shall not be invalidated by these regulations, but shall have effect as if it had been made, passed, given, imposed, instituted or done under or by that provision; and

(*c*) subject to the provisions of regulation 78, where a transfer value has become payable before the date of coming into operation of these regulations, any outstanding liability in respect of that transfer value shall be discharged in the manner in which it would have been required to be discharged if these regulations had not been made.

PART II

PROVISIONS RELATING TO OFFICERS EMPLOYED BY BODIES CONSTITUTED UNDER THE ACT AND OTHER OFFICERS ENGAGED IN HEALTH SERVICES OTHERWISE THAN IN THE EMPLOYMENT OF LOCAL AUTHORITIES

Application

4.—(1) Subject to the next succeeding regulation and to paragraph (3) of regulation 10 this part of these regulations shall apply to the following officers of an employing authority who have attained the age of eighteen years:—

(*a*) every whole-time officer whose duties are wholly or mainly administrative, professional or clerical;

(*b*) any other whole-time officer who entered the employment of the employing authority within twelve months after leaving any such employment as is mentioned in paragraph (3) of regulation 19 or any employment in which he was a participant in the Federated Superannuation Scheme for Nurses and Hospital Officers or in a scheme approved by the Secretary of State for the purposes of paragraph (6) of regulation 46 or, if he left that employment in order to undertake war service or if immediately after leaving that employment he became engaged in national service, entered the employment of that authority within six months after the termination of that service;

(*c*) every part-time officer who was transferred under the Act to their employment, or who entered their employment in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner and who immediately before being transferred to or entering their employment as aforesaid was a contributory employee, local Act contributor or subject to the Act of 1909;

(*d*) any other officer, whether whole-time or part-time, who was transferred under the Act to their employment, or who entered their employment in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner and who, immediately before being transferred to or entering their employment as aforesaid, had reasonable expectations of superannuation benefits on retirement from his employment;

(*e*) any other whole-time officer who at any time after attaining the age of eighteen years has been in the employment of that or any other employing authority, as such whole-time officer or as such a part-time officer as is mentioned in sub-paragraph (*h*) of this paragraph, for a continuous period of two years or for an aggregate period of two years without having had before the expiration of that aggregate period a break of more than one month at any one time;

(*f*) any other part-time officer whose duties are wholly or mainly administrative, professional or clerical and who either devotes the rest of his time to employment under any employing authority or local authority, or falls within any class or description of persons which the Secretary of State may designate;

(*g*) any other part-time officer who entered their employment within twelve months after leaving any such employment as is mentioned in paragraph (3) of regulation 19, or any employment in which he was a participant in the Federated Superannuation Scheme for Nurses and Hospital Officers or in a scheme approved by the Secretary of State for the purposes of paragraph (6) of regulation 46, or, if he left that employment in order to undertake war service or immediately after leaving that employment became engaged in national service, within six months after the termination of that service, and who devotes the rest of his time to employment under any employing authority or local authority, or who falls within any class or description of persons which the Secretary of State may designate; and

(*h*) any other part-time officer who devotes the rest of his time to employment under any employing authority or local authority, or who falls within any class or description of persons which the Secretary of State may designate and who at any time after attaining the age of eighteen years has been in the employment of that or any other employing authority, as such part-time officer or as such a whole-time officer as is mentioned in sub-paragraph (*e*) of this paragraph for a continuous period of two years or for an aggregate period of two years without having had before the expiration of that aggregate period a break of more than one month at any one time:

Provided that—

(i) the provisions of sub-paragraph (*c*) or (*d*) of this paragraph shall apply to an officer transferred to or entering the employment of the employing authority in the circumstances therein mentioned, only so long as he remains in their employment, whether in the same post or any other post;

(ii) for the purposes of sub-paragraphs (*e*) and (*h*) of this paragraph, account shall be taken as if it were employment under an employing authority of—

(*i*) any employment held before the date of transfer by a person transferred under the Act under any authority or body from which functions were transferred by the Act, or under an officer of

such an authority or body, or at or for the purposes of any hospital transferred to the Secretary of State by the Act, or any employment in a hospital provided by the Secretary of State under section 50 of the Civil Defence Act, 1939, including, in the case of a person who left that employment in order to undertake war service, the period of that service;

(*ii*) any employment at or for the purposes of administering the services provided at premises acquired by the Secretary of State either by purchase under section 57 of the Act or in any other manner held by a person who entered the employment of an employing authority in consequence of such acquisition, including, in the case of a person who left that employment in order to undertake war service or who immediately after leaving that employment became engaged in national service, the period of that service; and

(*iii*) any national service undertaken by a person immediately after ceasing to hold any such employment under an employing authority as is mentioned in sub-paragraph (*e*) or (*h*) of this paragraph;

(iii) the categories described in sub-paragraphs (*f*), (*g*) and (*h*) of this paragraph shall not include a part-time officer of an employing authority who is also a whole-time officer to whom these regulations apply by virtue of this paragraph;

and the term "officer" shall be construed accordingly.

(2) Notwithstanding anything in the foregoing provisions of this regulation, this part of these regulations shall not apply to persons in first class service under the Teachers Superannuation Regulations in any hospital vested in the Secretary of State.

(3) Notwithstanding anything in the foregoing provisions of this regulation, this part of these regulations shall not apply to any officer of an employing authority to whom a pension became or becomes payable out of public funds on his retirement after the attainment of a specified age if that pension is not liable to be reduced or suspended in consequence of his employment under that authority:

Provided that this paragraph shall not apply to a person who became an officer of an employing authority before the first day of August, 1949.

Persons holding honorary appointments

5. A person who holds an appointment which by the terms thereof is declared to be an honorary appointment, whether or not a distinction award is payable, shall in respect of that appointment be deemed not to be an officer to whom this part of these regulations applies, and no account shall be taken of that appointment in determining whether in any other employment he is an officer to whom this part of these regulations applies except that any period during which a person has held an honorary appointment as aforesaid shall be regarded as employment as an officer with an employing authority in determining whether:—

(*a*) for the purposes of regulation 19 he has entered employment as an officer within any such period as is mentioned in that regulation; and

(*b*) for the purposes of paragraph (1) of regulation 44, regulation 46, paragraphs (2) and (3) of regulation 47, sub-paragraphs (*a*) and (*b*) of paragraph (3) of regulation 51 and of paragraphs (8), (9) and (11) of that regulation he has had any such break in employment as is referred to therein.

Participation in superannuation benefits

6. Every officer shall be entitled to participate in the superannuation benefits provided by these regulations, subject to and in accordance with the terms and conditions thereof.

Female Nurses, Physiotherapists, Midwives and Health Visitors

7. These regulations, in their application to females who are nurses, physiotherapists, midwives or health visitors, shall have effect subject to the modification that in regulation 10 and in paragraph (1) of regulation 39, fifty-five years shall be substituted for sixty years.

Mental Health Officers

8.—(1) These regulations, in their application to any mental health officer who has been employed for an aggregate period of at least twenty years as such an officer or as a person to whom the Act of 1909 applied as an established officer or servant of the first class or as a person to whom the Superannuation (Prison Officers) Act, 1919 or section 43 of the Superannuation Act, 1949, applied, or, if the Secretary of State so directs, as a person subject to a scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19, shall have effect subject to the following modifications :—

(*a*) in regulation 10, and in paragraph (1) of regulation 39, fifty-five years shall be substituted for sixty years ; and

(*b*) for the purposes of paragraph (4) of regulation 9, regulation 11, paragraph (2) of regulation 14, regulation 15, proviso (ii) to paragraph (1) of regulation 16, regulation 29, paragraphs (3) and (4) of regulation 51, regulation 63 and regulation 64, account shall be taken as if it were two years of every year in excess of twenty years of contributing service as a mental health officer or of contributing service so reckonable by such an officer by virtue of such employment as aforesaid:

Provided that—

(i) this paragraph shall not apply to a mental health officer who, before completing an aggregate period of twenty years' employment in the capacity or capacities aforesaid, has become a mental health officer to whom paragraph (2) of this regulation applies and has attained the age of fifty years ; and

(ii) in any case in which it would be more advantageous to an officer to whom this paragraph applies or, if he has died, to a person entitled to any benefit in respect of him not to apply sub-paragraph (*b*) of this paragraph, the provisions of the said sub-paragraph shall not apply to or in respect of him.

(2) These regulations, in their application to any mental health officer (not being an officer to whom the last preceding paragraph applies) who has been employed for an aggregate period of at least twenty years as such an officer and before he became such an officer as a person on the staff of a hospital used wholly or partly for the treatment of persons suffering from mental disorder devoting the whole or substantially the whole of his time to the treatment or care of such persons, shall have effect subject to the following modifications :—

(*a*) in regulation 10 and in paragraph (1) of regulation 39, fifty-five years shall be substituted for sixty years ; and

(*b*) for the purposes of paragraph (4) of regulation 9, regulation 11, paragraph (2) of regulation 14, regulation 15, proviso (ii) to paragraph (1) of regulation 16, regulation 29, paragraphs (3) and (4) of regulation 51, regulation 63 and regulation 64, account shall be taken as if it were two years of every year of contributing service as a mental health officer rendered after attainment of the age of fifty years, or after the date on which he first became subject to this paragraph or the corresponding provision of the previous regulations whichever is the later.

Provided that, in any case in which it would be more advantageous to an officer to whom this paragraph applies or, if he has died, to a person entitled to any benefit in respect of him not to apply sub-paragraph (*b*) of this paragraph, the provisions of the said sub-paragraph shall not apply to or in respect of him.

(3) In reckoning the aggregate period of a mental health officer's employment for the purpose of this regulation account shall be taken as if it were a period of employment of any period of service which he is entitled to reckon by virtue of the exercise in relation to him of the power conferred by paragraph (3) of regulation 17 of the 1948 regulations.

(4) Where a person has become an officer otherwise than in the capacity of a mental health officer within twelve months after ceasing to be :—

(*a*) a mental health officer to whom paragraph (1) or (2) of this regulation or either of the corresponding provisions of the previous regulations was applicable ; or

(*b*) a contributory employee or local Act contributor having rights corresponding with those conferred by sub-paragraph (*b*) of paragraph (1) or paragraph (2) of this regulation,

the provisions of sub-paragraph (*b*) of either paragraph (1) or paragraph (2) of this regulation shall apply to him if he remains, and, in the case of a person who became such an officer before the date of coming into operation of these regulations he has remained an officer in the employment of any employing authority without a break of twelve months or more at any one time during no part of which he was a person to whom—

(i) part III or part IV of the 1950 regulations ; or

(ii) paragraph (1) of regulation 21 of the Local Government Regulations, 1954, or paragraph (1) of regulation 22 of those regulations

applied.

(5) Where a person has become an officer otherwise than in the capacity of a mental health officer within twelve months after leaving employment subject to a scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19 or, if immediately after leaving any such employment he became engaged in national service, within six months after the termination of that service, then, if—

(*a*) that scheme included provisions as to the reckoning of service which in the Secretary of State's opinion were substantially similar to the provisions contained in paragraph (1) or (2) of this regulation ; and

(*b*) by virtue of the said provisions of the scheme he was entitled to reckon any year of service as if it were two years,

he shall, if the Secretary of State so directs, continue to be entitled so to reckon any such year if he remains an officer in the employment of any employing authority without a break of twelve months or more at any one time during no part of which he was a person to whom paragraph (1) of regulation 21 of the Local Government Regulations, 1954, or paragraph (1) of regulation 22 of those regulations applied.

Contributions

9.—(1) For the purpose of defraying the cost of the superannuation benefits provided by these regulations, there shall, subject to the provisions of these regulations, be paid in respect of every officer, not being an officer specified in paragraph (4) of this regulation, in relation to his employment by an employing authority, the following contributions, namely—

(*a*) an amount to be paid by the officer equal to six per cent. of his remuneration for the time being; and

(*b*) an amount to be paid by the employing authority equal to eight per cent. of his remuneration or, if the remuneration is at any time reduced or suspended, of the remuneration which would be taken into account under the provisos to paragraph (1) of regulation 35 in respect of the period of reduction or suspension were the officer's average remuneration being calculated for a period which included that period:

Provided that in the case of an officer whose employment is by way of manual labour, five per cent. and six per cent. shall be substituted for six per cent. and eight per cent. respectively.

(2) There shall be paid by every employing authority in respect of every officer for whom the authority are liable to contribute under the foregoing paragraph a contribution, supplementary to that payable under the said paragraph, equal to one and one-half per cent. of the officer's remuneration which is for the time being taken into account for the purpose of the said paragraph, being remuneration which is paid or is deemed to have been paid on or after the twenty-ninth day of July, 1960:

Provided that nothing in this paragraph shall require the payment of supplementary contributions by the governing body of any hospital to whom these regulations apply by virtue of an agreement entered into under section 18 of the National Health Service (Amendment) Act, 1949.

(3) Notwithstanding any other provision of these regulations, an employing authority may, instead of calculating separately in respect of each officer the employer's contributions payable by them to the Secretary of State, calculate by a method approved by the Secretary of State the total employer's contributions payable by the employing authority in respect of the officers of the employing authority or such class or classes of such officers as may be specified by the Secretary of State.

(4) The reference in paragraph (1) of this regulation, in the definition of "service" contained in paragraph (2) of regulation 2 and in paragraph (1) of regulation 35 to an officer mentioned in this paragraph is a reference to an officer who—

(*a*) has attained the age of seventy years; or

(*b*) being a mental health officer or a female who is a nurse, physiotherapist, midwife or health visitor, has attained the age of sixty-five years; or

(*c*) has completed forty-five years service, counting contributing service at its full length and non-contributing service at half its actual length, and has attained—

(i) in the case of a mental health officer or a female who is a nurse, physiotherapist, midwife or health visitor, an age of not less than sixty years; or

(ii) in any other case an age of not less than sixty-five years; or

(*d*) has or had attained on the date when he first becomes or became an officer whether by virtue of these regulations or of any of the previous regulations—

(i) in the case of a mental health officer or of a female who is a nurse, physiotherapist, midwife or health visitor, the age of sixty years; or

(ii) in any other case the age of sixty-five years:

Provided that this sub-paragraph shall not apply in the case of a person who before becoming an officer was entitled to a pension or injury allowance payable out of public funds otherwise than under the National Insurance Act, 1946, or who apart from this sub-paragraph might become entitled to a pension under these regulations.

(5) Where an officer, on being transferred to other employment under any employing authority, suffers a reduction in his remuneration, or while continuing in the same employment suffers a reduction in his remuneration which is not attributable to his own act, then, if he gives notice in writing to the employing authority, within one month after the reduction, or such longer period as the Secretary of State may in any particular case allow, that he wishes this provision to apply to him he shall make contributions under this regulation as if his remuneration had not been reduced:

Provided that the provisions of this paragraph shall not apply or shall cease to apply to an officer who has suffered a reduction in his remuneration in the circumstances aforesaid, if at the time of such reduction, or within twelve months thereafter, he entered or enters other employment in circumstances in which—

(i) a transfer value was or is payable in respect of him; or

(ii) the Secretary of State has made or decides to make a payment in respect of him under paragraph (1) of regulation 76.

(6) An officer who is on leave of absence from duty with reduced remuneration or without remuneration shall make contributions under this regulation on the remuneration on which he was making contributions immediately before he went on leave of absence, and, notwithstanding the provisions of any enactment or scheme, contributions by and in respect of him shall not be made during his absence, except in accordance with the provisions of this paragraph, for the purpose of his participation in superannuation benefits:

Provided that where the absence from duty is by reason of illness or injury the provisions of this paragraph shall not apply, unless the officer's remuneration is reduced solely by reason of his having become entitled to benefit under the National Insurance Acts, 1946.

(7) The employing authority may deduct from the remuneration payable to an officer the contributions payable by him and, in so far as deductions are not so made, they may recover any such contributions in any court of competent jurisdiction.

(8) The employing authority's contributions, and the officer's contributions, after they have been obtained from him by the employing authority, shall be paid by the authority to the Secretary of State.

(9) Subject to the provisions of regulation 62, but notwithstanding any other provisions of these regulations, a person who after leaving employment under an employing authority became engaged in national service shall, as a condition of becoming entitled to reckon any of that service for the purposes of these regulations, make the like contributions (if any) under

this regulation as he would have been liable to make if, during the period of his national service, he had continued to follow that employment and to have been entitled to the remuneration thereof, and the employing authority shall make the like contributions in respect of him as they would have been liable to make if he had so continued to follow his employment as aforesaid.

Officer's pension and retiring allowance

10.—(1) An officer of an employing authority shall be entitled, on ceasing to be employed by them, to receive from the Secretary of State—

(*a*) an annual pension, if either—

(i) he has completed ten years' service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ; or

(ii) he has attained the age of sixty years and completed ten years' service ; and

(*b*) a lump sum retiring allowance, if he satisfies the conditions of head (i) of sub-paragraph (*a*) of this paragraph, or has attained the age of sixty years and completed five years' service.

(2) A person who, while continuing to be employed in employment under an employing authority, ceases, on or after attaining the age of sixty years, to hold one or more other such employments and on that account ceases to be, in his continuing employment, an officer to whom this part of these regulations applies, shall be entitled on ceasing to hold that employment to receive from the Secretary of State—

(*a*) an annual pension, if on ceasing to be an officer he had completed ten years' service ; and

(*b*) a lump sum retiring allowance, if on ceasing to be an officer he had completed five years' service.

(3) In regulation 11 (except where it occurs for the second time in the proviso to paragraph (1) and in proviso (ii) to paragraph (3) and in sub-paragraph (*a*) of paragraph (7)) and, so far as may be necessary for the purpose of calculating a benefit payable under these regulations to or in respect of a person to whom the last preceding paragraph applies, elsewhere in these regulations, the expression "officer" shall include a person to whom the last preceding paragraph applies.

Scales of pension and retiring allowance

11.—(1) The pension to be paid to an officer shall, subject to the provisions of these regulations, be on the following scale, that is to say—

(*a*) in respect of each year of contributing service, one eightieth of his average remuneration ; and

(*b*) in respect of each year of non-contributing service, one one-hundred-and-sixtieth of his average remuneration :

Provided that the pension, apart from any reduction thereof under regulation 51, shall not exceed forty-five eightieths of the officer's average remuneration, and shall not in the case of a pension payable under head (i) of sub-paragraph (*a*) of paragraph (1) of regulation 10 be less than twenty eightieths of such remuneration, or one eightieth of such remuneration in respect of each year of contributing service which he could have completed before attaining the age of sixty-five years, had he continued to be an officer, and one one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service, whichever is the less.

(2) The retiring allowance to be paid to an officer shall, subject to the provisions of these regulations, be a sum equal to the aggregate of the following amounts, namely, three eightieths of his average remuneration in respect of each year of contributing service, and three one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service:

Provided that—

(*a*) in the case of a married male officer in respect of whose service a widow's pension may become payable under these regulations, the amount of the allowance shall be a sum equal to the aggregate of the following amounts, namely, one eightieth of his average remuneration in respect of each year of contributing service and one one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service;

(*b*) in the case of a married male officer to whose wife, if she survives him, a widow's pension will not become payable because she is such a person as is mentioned in proviso (iv) to paragraph (1) of regulation 16, the amount of the allowance shall be reduced by two ninths thereof, unless at the time of her marriage to him she was already entitled to a pension under these regulations otherwise than as a practitioner or, being an officer other than a practitioner, had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed;

(*c*) in the case of an officer entitled to a pension or injury allowance who is a widower or who is divorced or judicially separated from his wife and who satisfies the description contained in paragraph (7) of this regulation, the amount of the retiring allowance shall be a sum equal to the aggregate of the following amounts, namely—

(i) three eightieths of his average remuneration in respect of each year of contributing service since the date of his wife's death or the divorce or separation, as the case may be;

(ii) one eightieth of such remuneration in respect of each year of contributing service before that date;

(iii) three one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service since that date; and

(iv) one one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service before that date;

(*d*) if the contributing service of an officer who becomes entitled to a retiring allowance, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the sum to be calculated under the foregoing provisions of this paragraph by reference to contributing service and non-contributing service shall be calculated by reference to the last forty-five years' actual service, any non-contributing service within that period being reckoned as contributing service; and

(*e*) in the case of an officer to whom no pension is payable, if the amount of the allowance, calculated as aforesaid, is less than the amount of his contributions, together with compound interest thereon, the allowance shall be increased by the amount of the deficiency.

(3) The pension to be paid to an officer whose service includes service as a practitioner shall be on the following scale, that is to say—

(*a*) in respect of each year of contributing service otherwise than as a practitioner, one eightieth of his average remuneration;

(*b*) in respect of each year of non-contributing service, one one-hundred-and-sixtieth of his average remuneration; and

(*c*) in respect of each year or part of a year of contributing service as a practitioner, one and one-half per cent. of his remuneration as such for that year or part of a year:

Provided that—

(i) in the case of an officer whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the pension shall be calculated by reference to the last forty-five years' actual service, any non-contributing service within that period being reckoned as contributing service;

(ii) in the case of an officer who is entitled to a pension under head (i) of sub-paragraph (*a*) of paragraph (1) of regulation 10, and whose service is less than twenty years, any non-contributing service being reckoned at half its actual length, the pension shall be an amount obtained by multiplying the amount of the pension which would have been payable apart from this proviso by such number of years of service, not exceeding twenty, as he could have completed before attaining the age of sixty-five years, any non-contributing service being reckoned as aforesaid, and dividing the product by the number of years of actual service, any non-contributing service being reckoned as aforesaid; and

(iii) in the case of an officer whose contributing service includes a period of service as a practitioner during which he devoted substantially the whole of his time to the performance of part-time specialist services under section 3 of the Act, that service shall be treated as service otherwise than as a practitioner if such method of calculation is more advantageous to him.

(4) The retiring allowance to be paid to an officer whose service includes service as a practitioner shall be a sum equal to the aggregate of the following amounts, namely—

(*a*) in respect of each year of contributing service otherwise than as a practitioner, three eightieths of his average remuneration;

(*b*) in respect of each year of non-contributing service, three one-hundred-and sixtieths of his average remuneration; and

(*c*) in respect of each year or part of a year of contributing service as a practitioner, four and one-half per cent. of his remuneration as such for that year or part of a year:

Provided that—

(i) in the case of a married male officer in respect of whose service a widow's pension may become payable under these regulations, one eightieth shall be substituted for three eightieths in sub-paragraph (*a*) of this paragraph, one one-hundred-and-sixtieth shall be substituted for three one-hundred-and-sixtieths in sub-paragraph (*b*) hereof, and one and one-half per cent. shall be substituted for four and one-half per cent. in sub-paragraph (*c*) hereof;

(ii) in the case of a married male officer to whose wife, if she survives him, a widow's pension will not become payable because she is such a person as is mentioned in proviso (iv) to paragraph (1) of regulation 16 the amount of the allowance shall be reduced by two ninths thereof unless at the time of her marriage to him she was already entitled to a pension under these regulations otherwise than as a practitioner or,

being an officer other than a practitioner, had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed ;

(iii) in the case of an officer entitled to a pension or injury allowance who is a widower or who is divorced or judicially separated from his wife and who satisfies the description contained in paragraph (7) of this regulation, one eightieth shall be substituted for three eightieths in sub-paragraph (*a*) of this paragraph in relation to each year of contributing service otherwise than as a practitioner before the date of his wife's death or the divorce or separation, as the case may be, one one-hundred-and-sixtieth shall be substituted for three one-hundred-and-sixtieths in sub-paragraph (*b*) hereof in relation to each year of non-contributing service before the said date, and one and one-half per cent. shall be substituted for four and one-half per cent. in sub-paragraph (*c*) hereof in relation to each year or part of a year of contributing service as a practitioner before the said date ;

(iv) in the case of an officer whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the amount of the allowance shall be calculated by reference to the last forty-five years' actual service, any non-contributing service within that period being reckoned as contributing service ;

(v) in the case of an officer whose contributing service includes a period of service as a practitioner during which he devoted substantially the whole of his time to the performance of part-time specialist services under section 3 of the Act, that service shall be treated as service otherwise than as a practitioner if such method of calculation is more advantageous to him ; and

(vi) in the case of an officer to whom no pension is payable, if the amount of the allowance, calculated as aforesaid, is less than the amount of his contributions together with compound interest thereon, the allowance shall be increased by the amount of the deficiency.

(5) Where the retiring allowance paid to a married male officer has been calculated in accordance with the provisions of proviso (*a*) to paragraph (2) or proviso (i) to paragraph (4) of this regulation, or the corresponding provisions of the previous regulations, and, because she has become such a person as is mentioned in paragraph (8) of this regulation, his wife will not, on his death, become entitled to a widow's pension, there shall be paid to the officer a sum equal to two thirds of the difference between the amount of the retiring allowance paid to him and the amount of the retiring allowance which would have been paid to him had he not been a person to whom the said provisions applied.

(6) Where an officer has become entitled to a retiring allowance, and the amount of such allowance, together with the capital value of any pension to which the officer may also have become entitled, is less than the amount of his average remuneration, then, if he requests the Secretary of State in writing to apply this provision in his case, the Secretary of State may either increase the amount of the retiring allowance by the amount of the capital value of the death gratuity and of any widow's pension which would, apart from this provision, become payable on his death or increase the amount of any such pension as aforesaid by an equivalent annual sum, and if the Secretary of State exercises this discretion no death gratuity or widow's pension shall be payable in respect of him.

(7) An officer to whom proviso (*c*) to paragraph (2) or proviso (iii) to paragraph (4) of this regulation refers is an officer (other than an officer who married in such circumstances that his wife would not become entitled to a widow's pension by reason of proviso (ii) to paragraph (1) of regulation 16 or the corresponding provisions of the previous regulations) whose wife died or was divorced or judicially separated from him—

(*a*) on or after the date on which he first became an officer within the meaning of these regulations or the previous regulations; or

(*b*) while he was subject to a superannuation scheme the service reckonable in which is reckonable by him for the purposes of these regulations and which provided a widow's pension as one of its benefits; or

(*c*) during the period between his leaving employment in which he was subject to any such scheme as is mentioned in the last preceding subparagraph and his entry into employment in which he became an officer as aforesaid.

(8) The reference in paragraph (5) of this regulation to a person mentioned in this paragraph is a reference to a person entitled to a pension otherwise than as a practitioner, or a person, being an officer other than a practitioner, who has reached such an age and completed such number of years of service as would entitle her to a pension on ceasing to be employed.

Injury allowance

12.—(1) Where an officer ceases to be employed in consequence of his being permanently incapacitated by an injury sustained by him in the actual discharge of his duty and specifically attributable to the nature of his duty or by a disease contracted by him to which he was exposed by the nature of his duty (not being an injury or disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct), he shall be entitled to receive from the Secretary of State, subject to the provisions of paragraph (4) of this regulation, an annual injury allowance of such amount, not exceeding two thirds of his average remuneration, as the Secretary of State may from time to time consider reasonable, having regard to all the circumstances of the case, including the right to any other benefit under these regulations.

(2) An injury sustained while an officer is, with the express or implied permission of an employing authority, travelling as a passenger by any vehicle to or from his place of employment shall, notwithstanding that he is under no obligation to the employing authority to travel by that vehicle, be deemed to have been sustained in the actual discharge of his duty, if—

(*a*) the injury would have been deemed so to have been sustained had he been under such an obligation; and

(*b*) at the time of the injury, the vehicle—

(i) was being operated by or on behalf of the employing authority or some other person by whom it was provided under arrangements made with the employing authority; and

(ii) was not being operated in the ordinary course of a public transport service.

(3) If a person to whom paragraph (1) of this regulation applies dies as a direct result of the injury he sustained or the disease he contracted, the Secretary of State may grant to his widow or to any dependant of his such gratuity or such allowance as the Secretary of State may from time to time consider reasonable, having regard to all the circumstances of the case.

(4) (*a*) there shall be taken into account against the allowances referred to in paragraphs (1) and (3) of this regulation the following sums, that is to say—

(i) the amount or value of any benefit payable under the National Insurance (Industrial Injuries) Act, 1946, and of any other statutory benefit or compensation in respect of the injury or disease, otherwise than any such benefit payable under these regulations; and

(ii) such amount (if any) as the Secretary of State considers reasonable of any damages which he is satisfied have been or will be recovered by any person, being damages in respect of the injury or disease or damages in respect of the death of the person to whom this regulation applies,

and the said allowances shall be withheld or reduced accordingly:

Provided that in the case of an allowance payable under paragraph (3) of this regulation the amount of any benefit payable to the widow or dependant under the National Insurance (Industrial Injuries) Act, 1946, shall only be taken into account for the purposes of this paragraph to such extent as the Secretary of State may in any particular case determine.

(*b*) for the purposes of head (ii) of sub-paragraph (*a*) of this paragraph a person shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the Court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce the claim.

Short service gratuity

13. An officer who has completed five but less than ten years' service, and who ceases to be employed through incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body shall be entitled to receive from the Secretary of State a short service gratuity of a sum equal to the amount of his average remuneration or a sum equal to the amount of his contributions, together with compound interest thereon, whichever is the greater:

Provided that if the officer is entitled also to a retiring allowance, the short service gratuity shall be reduced by the amount of the said allowance.

Allocation of part of pension or injury allowance to spouse or dependant

14.—(1) An officer who becomes entitled to a pension or injury allowance may thereupon notify his desire, subject to and in accordance with the provisions of the first schedule, to surrender part of the pension or allowance in consideration of the grant of a pension to the spouse or any dependant of the officer on his death of such value as, according to tables to be prepared from time to time by the Government Actuary, is actuarially equivalent at the date on which he ceased to be employed to the value of that part of the pension or allowance which is surrendered.

(2) If an officer not having reached—

(*a*) in the case of a mental health officer, or of a female who is a nurse, physiotherapist, midwife or health visitor, the age of sixty years; or

(*b*) in any other case, the age of sixty-five years,

would, if he ceased to be employed, be entitled to a pension, and he has completed forty years' contributing service or forty years' contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, or if an officer, having reached the said age, would, if he ceased to be employed, be entitled to a pension, he may, at any time before ceasing to be employed, notify his desire subject to and in

accordance with the provisions of the first schedule, to surrender part of the pension to which he may become entitled in consideration of the grant of a pension to his spouse or any dependant of the person aforesaid on his death, of such value as, according to tables to be prepared from time to time by the Government Actuary, will be actuarially equivalent at the date on which he ceases to be employed to the value of that part of the pension which is surrendered; and if he dies before having become entitled to the pension but after having so notified his desire to surrender a part of the pension, he shall be deemed to have become entitled to the pension to which he would have become entitled had he retired on the day of his death.

(3) A person to whom paragraph (2) of regulation 10 applies may, at any time after ceasing to be an officer and before ceasing to be employed, notify his desire, subject to and in accordance with the provisions of the first schedule, to surrender part of the pension to which he may become entitled in consideration of the grant of a pension to his spouse or any dependant of the person aforesaid on his death, of such value as, according to tables to be prepared from time to time by the Government Actuary, will be actuarially equivalent at the date on which he ceases to be employed to the value of that part of the pension which is surrendered, and if he dies before having become entitled to the pension but after having so notified his desire to surrender a part thereof, he shall be deemed to have become entitled to the pension to which he would have become entitled had he retired on the day of his death.

Death Gratuity

15. If—

(*a*) an officer dies, and at the date of his death he had completed five years' service; or

(*b*) a person who has ceased to be an officer after completing five years' service (other than a person to whom paragraph (2) of regulation 10 applies) dies within twelve months after so ceasing to be an officer, or, if immediately after he ceased to be an officer he became engaged in national service, within six months after the termination of that service, without having received a return of contributions or become entitled to any other benefit under these regulations or the previous regulations, and without having again become entitled to participate in superannuation benefits; or

(*c*) a person dies after having become entitled to a pension or retiring allowance or short service gratuity under these regulations or the previous regulations; or

(*d*) a person to whom paragraph (2) of regulation 10 applies dies in the continuing employment referred to in that paragraph and at the date of his death he had completed five years' service,

then the Secretary of State shall pay to his legal personal representatives a death gratuity of a sum equal to three eightieths of his average remuneration in respect of each year of his contributing service and three one-hundred-and-sixtieths thereof in respect of each year of his non-contributing service, or the amount of his contributions, together with compound interest on such amount, or, except in the case mentioned in paragraph (*b*) of this regulation, his average remuneration, whichever is the greatest:

Provided that—

(i) in the case of a person in respect of whose death a widow's pension is payable under these regulations, the amount of the death gratuity

shall be a sum equal to one eightieth of his average remuneration in respect of each year of his contributing service and one one-hundred-and-sixtieth thereof in respect of each year of his non-contributing service, or, if the capital value of the widow's pension is less than the amount of the death gratuity which would have been payable apart from this proviso, a sum equal to the difference between such capital value and such amount, whichever of the two sums is the greater;

(ii) in the case of such a person as is mentioned in paragraph (3) of regulation 11, for the references in the foregoing provisions of this regulation to a sum to be calculated by reference to a fraction of his average remuneration in respect of each year of service there shall, subject to the provisions of the next succeeding proviso, be substituted a reference to a sum obtained by the addition of the following amounts, namely:—

(*i*) in respect of each year of contributing service otherwise than as a practitioner, three eightieths of his average remuneration or, if a widow's pension is payable under these regulations in respect of his death, one eightieth thereof;

(*ii*) in respect of each year of non-contributing service, three one-hundred-and-sixtieths of his average remuneration or if a widow's pension is payable as aforesaid, one one-hundred-and-sixtieth thereof; and

(*iii*) in respect of each year or part of a year of contributing service as a practitioner, four and one-half per cent. of his remuneration as such for that year or part of a year or, if a widow's pension is payable as aforesaid, one and one-half per cent. thereof;

(iii) if in the case of any person the contributing service, together with the non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the sum to be calculated by reference to contributing service and non-contributing service shall be calculated by reference to the last forty-five years' actual service, any non-contributing service within that period being reckoned as contributing service; and

(iv) in the case of a person who dies after having become entitled to a pension, retiring allowance, injury allowance or short service gratuity under these regulations or the previous regulations there shall be deducted from the death gratuity a sum equal to the aggregate amount of any payments made on account of that benefit, and in addition, if the person was entitled to a pension or injury allowance and had surrendered a part thereof, any sum which would have been paid on account thereof but for the surrender.

Widow's pension

16.—(1) The widow of a person who dies and who—

(*a*) was entitled at the time of his death to a pension or injury allowance under these regulations, or the previous regulations; or

(*b*) was at the time of his death employed in employment in which he was an officer and had completed not less than ten years' service; or

(*c*) was at the time of his death employed in employment in which paragraph (2) of regulation 10 applied to him and had completed not less than ten years' service,

shall be entitled to receive from the Secretary of State an annual widow's pension:

Provided that a widow shall not be entitled to receive a widow's pension—

(i) by virtue of sub-paragraph (*a*) of this paragraph, if the marriage took place on or after the date on which her husband became entitled to the pension or allowance ; or

(ii) by virtue of sub-paragraph (*a*) or (*b*) of this paragraph, if her husband, before ceasing to be employed, or, if he died while still an officer, before dying, had reached the age of sixty-five years, or in the case of a mental health officer, the age of sixty years or, not having reached the said age, would have been entitled to a pension on ceasing to be employed and had completed forty years' contributing service, or forty years' contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, and the marriage took place on or after the date on which he reached the said age or would have been so entitled to a pension as aforesaid ; or

(iii) by virtue of sub-paragraph (*c*) of this paragraph, if the marriage took place after the date on which her husband ceased to be an officer and became subject to the provisions of paragraph (2) of regulation 10 ; or

(iv) if she was herself entitled to a pension under these regulations or the previous regulations, otherwise than as a practitioner or became so entitled on the death of her husband, or if, being an officer other than a practitioner, she had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed ; or

(v) if at the date on which her husband became entitled to a pension or injury allowance under these regulations or the previous regulations or at the date of his death, the husband and wife were judicially separated.

(2) The widow of such a person as is mentioned in paragraph (*b*) of regulation 15 shall be entitled to the like benefit (if any) by way of widow's pension as would have been granted under these regulations or the previous regulations if her husband had died immediately before ceasing to be an officer.

(3) The amount of the widow's pension shall be as follows—

(*a*) in the case of the widow of an officer, one third of the pension which would have been payable to the officer had he become entitled to a pension under head (i) of sub-paragraph (*a*) of paragraph (1) of regulation 10 on the day of his death ;

(*b*) in the case of the widow of a person who was entitled to a pension or injury allowance, one third of such pension or allowance ; and

(*c*) in the case of the widow of a person to whom paragraph (2) of regulation 10 applies—

(i) if the person dies within twelve months after ceasing to be an officer, one third of the pension which would have been payable to him had he become entitled to a pension under head (i) of sub-paragraph (*a*) of paragraph (1) of regulation 10 on the day on which he ceased to be an officer ; or

(ii) if he dies twelve months or more after ceasing to be an officer, one third of the pension which would have been payable to him had he ceased to be employed on the day on which he ceased to be an officer :

Provided that if any such pension as is mentioned in sub-paragraph (*a*) of this paragraph would have been reduced under regulation 51, no account shall be taken of the reduction, and any such pension as is mentioned in sub-paragraphs (*b*) and (*c*) of this paragraph shall be deemed to be the pension that would have been payable but for any reduction under that regulation or under any corresponding provision of the previous regulations.

(4) A widow's pension shall not be payable to a widow—

(*a*) if she remarries, in respect of any period after her re-marriage; or

(*b*) in respect of any period during which she is cohabiting with a man as his wife.

(5) If on the re-marriage or death of a widow to whom a widow's pension has been payable under these regulations or the previous regulations the aggregate amount of the payments made to her, her husband or her husband's legal personal representatives by way of pension, retiring allowance, injury allowance, short service gratuity or death gratuity under these regulations or the previous regulations other than a pension under regulation 14 of these regulations, or under any corresponding provision of the previous regulations, is less than the amount of the death gratuity which would have been payable under these regulations or the previous regulations in respect of the death of her husband had no widow's pension been payable in respect thereof, there shall be paid to her or to her legal personal representatives, as the case may require, a sum equal to the deficiency.

Power to compound small annual benefits

17. Where any benefit payable under these regulations, or the previous regulations is an annual sum of an amount not exceeding twenty-six pounds, the Secretary of State may discharge his liability in respect thereof by the payment of a lump sum representing the capital value of the annual sum.

Payment of transfer value in lieu of benefits in certain cases

18. Notwithstanding anything in the preceding provisions of these regulations, if, on or after ceasing to be employed by an employing authority and before receiving any payment on account of any benefit which apart from this regulation would be payable to him under these regulations, a person—

(*a*) notifies the Secretary of State in writing of his impending entry into further employment in circumstances in which (subject to his not having become or being entitled to any benefit under these regulations other than a return of contributions and to compliance with such other conditions as are prescribed) paragraph (2) of regulation 58, regulation 76 or 80 would apply in relation to him, and in pursuance of that notice enters that employment in those circumstances; or

(*b*) notifies the Secretary of State in writing that he has entered such employment in the circumstances aforesaid,

then, if he notifies the Secretary of State that he wishes this regulation to apply in relation to him, the Secretary of State may (in lieu of any benefit which would otherwise be payable on or after the person's ceasing to be employed by an employing authority) enter such particulars in the account referred to in paragraph (1) of regulation 58 as are mentioned in paragraph (2) of that regulation or pay such sum as the Secretary of State considers appropriate under paragraph (1) of regulation 76 or, as the case may be, a transfer value under paragraph (1) of regulation 80; and, if the Secretary of State

makes any such entry or payment, the person shall be deemed, for the purposes of these regulations, not to have become or to be entitled to a benefit under these regulations.

Reckoning as service of previous periods of employment, war service and national service

19.—(1) Subject to the provisions of these regulations, where a person, before entering the employment in which he is an officer, had been entitled by virtue of any such employment as is mentioned in paragraph (3) of this regulation to participate in superannuation benefits, and on leaving that other employment any period of employment or any war service or national service would have been reckonable for the purpose of determining whether he was entitled to receive a superannuation benefit, that period of employment, war service or national service shall be reckonable as service in relation to the employment in which he is an officer, if he entered that employment within twelve months after leaving that other employment, or, if he left that other employment in order to undertake war service or immediately after leaving that employment became engaged in national service, within six months after the termination of that service :

Provided that—

(*a*) this paragraph shall not apply to any officer who, unless he was excepted from a similar requirement by the 1948 regulations, has not, within three months after entering their employment, or within such longer period as the Secretary of State may in any particular case allow, given notice in writing to the employing authority of his previous period of employment and war service or national service (if any), or, if he is a person to whom rules made under section 2 of the Act of 1948 (which relates to pensions of persons transferring to different employment) apply, the notice and particulars of his national service (if any) required by those rules, and paid or repaid to that authority an amount equal to any sum paid to him by way of return of contributions on or after his ceasing to hold that other employment, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment ;

(*b*) in the case of a person who, before entering the employment in which he is an officer, was employed in such employment as is mentioned in sub-paragraph (*c*) of paragraph (3) of this regulation—

(i) for the purposes of the foregoing provisions of this paragraph, the term " period of employment " shall include any period treated as a period of employment in first class service or as a period of first class service under the Teachers Superannuation Regulations ; and

(ii) any period of employment which may be treated as service for the purpose of determining whether a teacher has completed a definite period of service prescribed as a condition of obtaining a retiring allowance or a gratuity under the Teachers Superannuation Regulations shall not be reckonable as service under these regulations, except for the sole purpose of determining whether he is entitled to any benefit thereunder ;

(*c*) in the case of a person who before entering employment in which he is an officer, was an established civil servant for the reference in this paragraph to a period of twelve months, there shall be substituted the reference to a period of twelve months or such longer period as the Secretary of State with the consent of the Treasury may in any particular case allow ;

(*d*) in the case of such a person as is mentioned in the last preceding proviso, this paragraph shall not apply unless before leaving the employment in which he was an established civil servant he obtained the consent of the Head of the Department in which he was employed to his leaving that employment for the purpose of entering the employment in which he is an officer and, if such consent has been obtained, this paragraph shall apply as if for the reference to employment or war service or national service which would have been reckonable for the purpose of determining whether a person was entitled to receive a superannuation benefit there were substituted a reference to employment or war service or national service which would have been reckonable for the purpose of determining whether the officer had served for the minimum period prescribed by the Superannuation Acts as necessary for the grant of any retiring award to him, and any part of his established service which is attributable to service which previously to his becoming an established civil servant had been non-contributing service under these regulations, or the previous regulations, the Act of 1937 or a local Act scheme (not being service which has become reckonable at its actual length for the purpose of calculating benefits under the Superannuation Acts) shall be treated as being double the length at which it was reckonable for the purposes of the Superannuation Acts;

(*e*) in the case of a person who, on or after the date of coming into operation of these regulations, enters employment in which he is an officer and who before entering that employment was in employment in which he was subject to the Act of 1937 or a local Act scheme, there shall not be reckonable under this paragraph any period of employment, war service or national service, unless the Secretary of State has received a transfer value calculated in accordance with the rules for the time being in force under section 2 of the Act of 1948 relating to the entry into employment under an employing authority of a person who has left employment in which he was a contributory employee or local Act contributor;

(*f*) any period of employment which on a person's leaving such employment as is mentioned in sub-paragraph (*a*), (*b*) or (*d*) of paragraph (3) of this regulation would have been reckonable solely for the purpose of determining whether he was entitled to receive a superannuation benefit shall not be reckonable as service under these regulations, except for the sole purpose of determining whether he is entitled to any benefit thereunder; and

(*g*) where a person has become an officer within twelve months after ceasing to be a contributory employee in the employment of any local authority, and by virtue of the provisions of a scheme modifying the Act of 1937 any period of employment was reckonable at a fraction of its actual length for the purpose of calculating the transfer value payable in respect of the officer, that period of employment shall be reckonable as service at its actual length solely for the purpose of determining whether any benefit is payable to or in respect of him and shall otherwise be reckonable as service at the aforesaid fraction of its actual length.

(2) If an officer—

(*a*) is a person who became an officer by virtue of sub-paragraph (*e*) or (*h*) of paragraph (1) of regulation 4, or any corresponding provision of the previous regulations; or

(*b*) was such a person as is mentioned in any of those provisions and before completing the period of two years therein mentioned became an officer by virtue of sub-paragraph (*a*) or (*f*) of paragraph (1) of regulation 4, or any corresponding provision of the previous regulations,

then any previous period of employment under any employing authority included in the said period of two years, and any period of national service undertaken by the person on his ceasing to hold employment under any employing authority which was included in that period of two years by virtue of part (*iii*) of proviso (ii) to paragraph (1) of regulation 4 or any corresponding provision of the previous regulations shall be reckonable as service:

Provided that no part of the said period of two years or of any such period of national service as aforesaid shall be reckonable as service unless, if the said period of two years had been reckonable as service at the time when it was completed, it would be reckonable as service in relation to the employment in which he is an officer.

(3) The other employment referred to in paragraph (1) of this regulation is—

(*a*) employment as an officer;

(*b*) employment as an established civil servant;

(*c*) employment as a person in service which is recorded as first class service under the Teachers Superannuation Regulations; and

(*d*) employment subject to—

(i) the Act of 1909;

(ii) the Act of 1937;

(iii) a local Act scheme;

(iv) the Insurance Committee Officers' Superannuation Scheme; or

(v) any other scheme which the Secretary of State, with the consent of the body administering the scheme, may approve:

Provided that—

(*i*) where a person has been in more than one such employment as is mentioned in this paragraph within a period of twelve months before the date on which he became an officer, the other employment referred to in paragraph (1) of this regulation shall be the last of such employments; and

(*ii*) a person who has been in such employment as is mentioned in head (v) of sub-paragraph (*d*) of this paragraph shall be treated as not having been in such employment if the Secretary of State so directs.

Intervals in service due to illness or injury

20.—(1) Notwithstanding anything in these regulations, an officer whose remuneration is suspended owing to leave of absence from duty on account of illness or injury shall be deemed to have ceased his employment as an officer from the date on which his remuneration was so suspended except for the purposes of regulations 10, 12 and 13, paragraph (1) of regulation 14, paragraph (*b*) of regulation 15, sub-paragraph (*b*) of paragraph (1) and sub-paragraph (*a*) of paragraph (3) of regulation 16, and paragraph (1) of regulation 48.

(2) Where a person ceases or is deemed by virtue of the last foregoing paragraph to have ceased his employment as an officer on account of illness

or injury, no account shall be taken of any period during which he is incapable of resuming employment as an officer or a period of two years, whichever is the less, in determining whether—

(*a*) he has entered employment as an officer within any such period as is referred to in regulation 19; or

(*b*) for the purposes of paragraph (1) of regulation 44, regulation 46, paragraphs (2) and (3) of regulation 47, sub-paragraphs (*a*) and (*b*) of paragraph (3) of regulation 51 and of paragraphs (8), (9) and (11) of that regulation, he has had any such break in employment as is referred to therein:

Provided that—

(i) the said period of two years may be extended to such longer period as the Secretary of State may in any particular case allow; and

(ii) in the case of a person mentioned in paragraph (1) of this regulation who ceases to be employed whilst his remuneration is suspended and whilst he is incapable of resuming his employment, the period during which his remuneration is suspended and any further consecutive period during which he is incapable of resuming employment as an officer shall be aggregated for the purposes of this paragraph.

Special provisions with respect to breaks between employments

21. For the purpose of determining whether for the purpose of regulation 19 a person has entered employment as an officer within any such period as is referred to in that regulation—

(*a*) where a person left such employment as is mentioned in sub-paragraph (*a*) of paragraph (3) of regulation 19 (hereinafter in this paragraph called "his first employment") he shall be deemed to have entered the employment in which he is an officer within twelve months after leaving his first employment if, after leaving his first employment, there has not been any continuous period of twelve months or longer (excluding any period which by reason of the provisions of these regulations relating to war service and national service either is or becomes reckonable as service or does not preclude the reckoning of a previous period of employment as service) during no part of which he was an officer;

(*b*) where a person (other than a person to whom paragraph (*a*) of this regulation applies) ceased to be employed as an officer of an employing authority but continued in the employment of that authority otherwise than as an officer, he shall be deemed to have ceased to be an officer on the date on which he left his last-mentioned employment;

(*c*) where a person left employment as an officer in order to enter an approved course of study or training no account shall be taken of any period spent by him on that course of study or training;

(*d*) where a person left employment as an officer, immediately thereafter became engaged in national service and on the termination of that service entered an approved course of study or training, no account shall be taken of any period spent by him on that course of study or training;

(*e*) where a person left employment as an officer in order to enter an approved course of study or training and on completion of that course became engaged in national service he shall be deemed to have left that employment at the time when he completed that course of study or training;

(*f*) where a person was in employment in which he was a contributory employee or local Act contributor to whom regulation 21 or 22 of the Local Government Regulations, 1954, applied, or was such a person as is referred to in regulation 23 of those regulations, then if he left his former employment in order to enter a course of study or training, no account shall be taken of any period spent by him on that course of study or training;

(*g*) where such a person as is mentioned in the last preceding paragraph left the employment in which he was a contributory employee or local Act contributor, immediately thereafter became engaged in national service and on the termination of that service entered a course of study or training, no account shall be taken of any period spent by him on that course of study or training;

(*h*) where such a person as is mentioned in paragraph (*f*) of this regulation left the employment in which he was a contributory employee or local Act contributor in order to enter a course of study or training, and on completion of that course became engaged in national service, he shall be deemed to have left that employment at the time when he completed that course of study or training;

(*i*) where a person left employment in the health service of Northern Ireland or the Isle of Man and entered a course of study or training approved by the body administering that service, he shall be deemed for the purposes of paragraphs (*c*), (*d*) and (*e*) of this regulation to have been an officer in that employment and the provisions of those paragraphs shall apply to him accordingly;

(*j*) where a person left employment in the health service of Northern Ireland or the Isle of Man and within a period of twelve months entered employment approved by the body administering that service, then on his leaving the employment so approved, he shall be deemed to have left employment in the health service of Northern Ireland or the Isle of Man;

(*k*) where a person left pensionable employment on the medical, dental or nursing staff of a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, and entered a course of study or training approved by the body administering the superannuation scheme to which the person was subject in that employment he shall be deemed for the purposes of paragraphs (*c*), (*d*) and (*e*) of this regulation to have been an officer in that employment and those paragraphs shall apply to him accordingly; and

(*l*) where a person left employment mentioned in sub-paragraph (*c*) of paragraph (3) of regulation 19, and entered a course of study or training approved for the purposes of these regulations by the Secretary of State on the written application of that person made before or within three months after the commencement of that course or within such longer period as the Secretary of State may in any particular case allow, he shall be deemed for the purposes of paragraphs (*c*), (*d*) and (*e*) of this regulation to have been an officer in that employment, and the provisions of those paragraphs shall apply to him accordingly;

Provided that paragraphs (*f*), (*g*), (*h*), (*i*), (*k*) and (*l*) shall not apply unless the Secretary of State is satisfied that by reason of the person's having undertaken the course of study or training the person is better fitted for the duties of his new employment.

Further provisions concerning reckoning of service with respect to certain continuing employments

22.—(1) Where a person immediately before entering the employment in which he is an officer (hereinafter in this regulation called " his new employment ") held any other employment under an employing authority (hereinafter in this regulation called " his old employment ") and did not cease to hold his old employment on entering his new employment, any service which he was entitled to reckon in relation to his old employment immediately before entering his new employment and which is not reckonable under any other provision of these regulations in relation to his new employment shall—

(*a*) if he ceases to hold his new employment—

(i) without having ceased to hold his old employment; or

(ii) at the time of ceasing to hold his old employment; or

(iii) after having ceased to hold his old employment in such circumstances that he became entitled to a benefit in respect thereof; or

(iv) after a transfer value has become payable in respect of his old employment or a payment has been made by the Secretary of State under paragraph (1) of regulation 76,

be reckonable in relation to his new employment for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating the amount of any such benefit; and

(*b*) if he ceases to hold his new employment—

(i) after having ceased to hold his old employment; and

(ii) without having become entitled to any benefit in respect of his old employment; and

(iii) without a transfer value having become payable in respect of his old employment or a payment having been made by the Secretary of State under paragraph (1) of regulation 76,

be reckonable in relation to his new employment to the extent and in the manner in which it was reckonable in his old employment immediately before he entered his new employment.

(2) Notwithstanding anything contained in the last preceding paragraph—

(*a*) where, after taking into account service reckonable under sub-paragraph (*a*) of the last preceding paragraph, a benefit becomes payable to or in respect of a person to whom that sub-paragraph applies and the amount of that benefit falls to be calculated by reference to any provision of these regulations (hereinafter in this paragraph referred to as " the said provision ") prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him, then, if the number of years of service reckonable by the person is less than any minimum number of years of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be the amount which bears the same proportion to the sum otherwise payable as the number of years of service so reckonable bears to the minimum number of years of qualifying service; and

(*b*) where a person has become entitled to any benefit under these regulations in respect of service reckonable under sub-paragraph (*b*) of the

last preceding paragraph as contributing or non-contributing service that service shall not subsequently be reckonable in relation to any other employment as contributing or non-contributing service.

Further provisions with respect to war service and national service

23.—(1) If under regulation 19 there is reckonable any previous employment in the case of a person who became an officer after having been engaged in war service or national service, and that service would have been reckonable as service under the enactment or scheme to which he was subject before he ceased to hold his former employment had he again become subject to that enactment or scheme on the termination of his war service or national service, the period thereof shall be reckonable as a period of service under these regulations.

(2) Where a person—

(*a*) immediately after ceasing to be an officer became engaged in national service; or

(*b*) ceased to be an officer in order to enter an approved course of study or training and immediately after completing that course became engaged in national service,

then, if on the termination of that service or within six months thereafter (excluding any period spent by him on an approved course of study or training entered by him on the termination of his national service) the person became an officer, the period of his national service shall be reckonable as a period of service under these regulations:

Provided that if on or after so ceasing to be an officer as aforesaid he received a return of contributions—

(i) no part of such period after the date of the return shall be reckonable as service; and

(ii) the part of such period before the date of the return shall be reckonable only if he has paid or repaid to the employing authority in whose employment he is an officer, within three months after becoming an officer, or within such longer period as the Secretary of State may in any particular case allow, an amount equal to the sum returned to him, together with an amount equal to any income tax which was deducted from his contributions in respect of such return.

(3) Where an officer who has become engaged in national service in the circumstances mentioned in the last preceding paragraph—

(*a*) dies during his period of national service; or

(*b*) is prevented, in consequence of being permanently incapacitated by injury or disease received or contracted during that period, from resuming employment under any employing authority,

he shall be deemed to have returned as an officer to the employment of an employing authority immediately before his death or on the termination of that period of service, as the case may be.

(4) Where a person in the employment of an employing authority is a person who—

(*a*) has previously been in the employment of any employing authority otherwise than as an officer;

(*b*) immediately after ceasing to be so employed became engaged in national service; and

(*c*) on the termination of that service or within six months thereafter became an employee of the employing authority in whose employment

he is, the period of his national service shall be taken into account for the purposes of these regulations in the same manner and to the same extent as it would have fallen to be taken into account if he had continued to follow his former employment throughout the period of his national service.

Reckoning of previous employment as qualifying service in certain cases

24.—(1) In the case of a person who was transferred under the Act to the employment of an employing authority or who entered the employment of an employing authority in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner, having been employed solely or mainly at or for the purposes of the said premises immediately prior to their acquisition, and who thereupon became an officer of that employing authority, there shall be reckonable as service in relation to any such employment as is mentioned in the next succeeding paragraph of this regulation, for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any benefit to which he may become entitled, all periods of employment, not otherwise reckonable as service, after he attained the age of eighteen years, in any hospital provided by the Secretary of State under section 50 of the Civil Defence Act, 1939, or under any authority or body from which functions were transferred by the Act, or by the National Health Service Act, 1946, or under an officer of such an authority or body or at or for the purposes of premises which have been transferred to or acquired by the Secretary of State as aforesaid or by the Minister of Health under the said Act of 1946, and, if he left any such employment as aforesaid in order to undertake war service or, if immediately after leaving that employment he became engaged in national service, and within six months after the termination of that service returned to any such employment as aforesaid, or entered the employment of an employing authority in circumstances in which regulation 81 or the corresponding provision of the previous regulations applied, there shall be reckonable also as service for the purpose aforesaid the period of that war service or national service:

Provided that where a benefit becomes payable to or in respect of a person to whom this paragraph applies in consequence of the acquisition of premises by the Secretary of State as aforesaid on or after the first day of April, 1950, and the amount of that benefit falls to be calculated by reference to any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him, then, if the number of years of service reckonable by the person is less than any minimum number of years of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be the amount which bears the same proportion to the sum otherwise payable as the number of years of service so reckonable bears to the minimum number of years of qualifying service.

(2) The employments to which the last preceding paragraph refers are—

(*a*) the employment to which the person was transferred as mentioned in that paragraph or which he entered in consequence of the acquisition of premises by the Secretary of State as aforesaid; and

(*b*) any other employment under an employing authority which he entered—

(i) on being so transferred; or

(ii) on entering as aforesaid the employment of an employing authority in consequence of the acquisition of premises by the Secretary of State,

being in any such case employment in which he thereupon became an officer.

(3) Where in consequence of a notice given under paragraph (8) of regulation 30 of the 1950 regulations an option, previously exercised by a person to whom paragraph (1) or (2) of that regulation applied, ceased to have effect—

(*a*) the provisions of paragraph (1) of this regulation shall apply in relation to him as they apply in relation to a person who became an officer in the circumstances referred to in that paragraph and did not exercise any option excluding the application to him of that paragraph; and

(*b*) his employment as an officer prior to the date on which the said option ceased to have effect shall be treated in like manner as if it had been employment reckonable as service under paragraph (1) of this regulation:

Provided that the proviso to paragraph (1) of this regulation shall have effect in relation to a person to whom this paragraph applies as if the words "in consequence of the acquisition of premises by the Secretary of State as aforesaid on or after the first day of April, 1950" were omitted.

Reckoning of certain periods of employment, etc., as service on payment of additional contributory payments

25.—(1) If after ceasing to be an officer a person (other than a person in respect of whom a transfer value or payment under paragraph (1) of regulation 76 or the corresponding provision of the previous regulations has been paid and has not been refunded) has entered employment in which under regulations 19 to 24 he is not entitled to reckon any period of employment, war service or national service which was reckonable as service at the date on which he ceased to be an officer, except for the purpose of determining whether any benefit was payable under these regulations, he shall be entitled, if he has given notice in writing to his employing authority within three months after entering their employment, or within such longer period as the Secretary of State may allow, that he intends so to do, to make payments in accordance with the provisions of the second schedule as if any such period was non-contributing service, and any such period in respect of which payments are made or are in the course of being made shall be reckonable as service.

(2) If a person—

(*a*) immediately after ceasing to be an officer became engaged in national service; or

(*b*) ceased to be an officer in order to enter an approved course of study or training and immediately after completing that course became engaged in national service,

and has become an officer to whom the last preceding paragraph applies, that paragraph shall apply also in respect of the period of that national service other than any part thereof after the date on which contributions may have been returned to him:

Provided that this paragraph shall not apply to a person who has made no payment under paragraph (9) of regulation 9 or the corresponding provision of the previous regulations in respect of his national service.

(3) Where at the date of coming into operation of these regulations an officer has completed or was in the course of making payments under

paragraph (1) of regulation 24 of the 1955 regulations in accordance with the second schedule to those regulations or under and in accordance with the corresponding provision of the previous regulations, any period of employment, war service or national service in respect of which such payments were made or were being made shall be reckonable as service, and in the case of payments which were being made the outstanding instalments of the sum payable shall be deemed to be instalments of a sum payable under the second schedule to these regulations.

Service reckonable in consequence of rules made under section 2 of the Act of 1948 *or section 2 of the Superannuation Act,* 1957

26.—(1) Where a person, before entering the employment in which he is an officer, was in employment subject to any such scheme as is mentioned in head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19, and paragraph (1) of that regulation applies to him, then, if prior to his entering such last-mentioned employment the person was a contributory employee or local Act contributor and, by virtue of rules made under section 2 of the Act of 1948, he might, if he had become entitled to a pension in respect of that employment, have been granted a benefit (other than a return of contributions) under the Act of 1937 or under a local Act scheme, he shall be entitled to reckon as service in relation to the employment in which he is an officer any period of employment or any period of war service or national service which would have been reckonable for the purpose of calculating the last-mentioned benefit.

(2) Where a person has become an officer after leaving any such employment as is mentioned in paragraph (3) of regulation 19, and by virtue of paragraph (1) of that regulation he is entitled to reckon any period of previous employment as service in relation to his employment as such officer, then, if by virtue of rules made under section 2 of the Act of 1948, or section 2 of the Superannuation Act, 1957, he becomes entitled to reckon any other period of previous employment as service for superannuation purposes in relation to the employment he left as aforesaid, that other period of employment shall be reckonable as service for the purposes of these regulations.

Reckoning of service by persons who attained pensionable age on or after 5th July, 1948, *and before 1st August,* 1949

27. Where an officer attained pensionable age within the meaning of the 1948 regulations on or after the appointed day and before the first day of August, 1949, he shall not be entitled to reckon as service the period of his employment from the date on which he attained pensionable age until the first day of August, 1949, unless he made the payment provided for by paragraph (2) of regulation 25 of the 1949 regulations.

Service reckonable by certain persons not in employment immediately before 5th July, 1948

28. Where a person is an officer in the hospital service, and before the appointed day he had been subject to the Act of 1909, the Act of 1937 or a local Act scheme but had ceased to be so subject and he is not entitled to reckon his service for the purposes of the Act of 1909, the Act of 1937 or the local Act scheme in relation to his employment as such officer, then, if the Secretary of State is satisfied that at the appointed day the person intended to seek employment in the hospital service by virtue of which but for the transfer of hospitals to the Secretary of State under the Act the person would have been subject to the Act of 1909, had that Act not

been repealed, the Act of 1937 or a local Act scheme, the Secretary of State may allow the service aforesaid to be reckoned as service for the purposes of these regulations in such manner and subject to such terms and conditions (if any) as he may think fit.

Limitation on service reckonable at 60 or, in certain cases, 55

29. Notwithstanding the provisions of regulations 19 to 28, where an officer has not attained the age of sixty years or, if the officer is a mental health officer, or a female who is a nurse, physiotherapist, midwife or health visitor, the age of fifty-five years, and has completed forty years' service, any non-contributing service being reckoned at half its actual length, the period of his employment between the date on which he completed that service and the date on which he attains the age of sixty years or, if the officer is a mental health officer, or a female who is a nurse, physiotherapist, midwife or health visitor, the age of fifty-five years, shall not be reckonable as service for any purpose of these regulations.

Reckoning of contributing service and non-contributing service

30.—(1) There shall be reckonable as contributing service in relation to the employment of an officer by an employing authority—

(*a*) service in respect of which he has made or is or was deemed to have made the contributions required by these regulations or by the previous regulations;

(*b*) any previous employment reckonable as service which was—

(i) reckonable as established service under the Superannuation Acts; or

(ii) first class service under the Teachers Superannuation Regulations; or

(iii) service for the purposes of the Act of 1909; or

(iv) contributing service under the Act of 1937, or the Insurance Committee Officers' Superannuation Scheme; or

(v) service (other than non-contributing service) or a period of contribution for the purposes of a local Act scheme; or

(vi) employment under any other scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19.

Provided that—

(*i*) any period of established service which by virtue of proviso (*d*) to paragraph (1) of regulation 19 is treated as being double the length at which it was reckonable for the purposes of the Superannuation Acts shall be reckonable as non-contributing service;

(*ii*) if in the opinion of the Secretary of State any such employment as is mentioned in head (vi) of sub-paragraph (*b*) of this paragraph is not equivalent to contributing service under these regulations, account shall be taken of that employment to such extent (whether greater or less than its actual length) as the Secretary of State may direct;

(*iii*) if at the time when he ceased to be employed in employment mentioned in head (iv) of sub-paragraph (*b*) of this paragraph an officer was in the course of making additional contributory payments under the second schedule to the Local Government Regulations, 1954, the service in respect of which those contributions were being made shall not be reckonable except in accordance with regulation 31;

(*iv*) if at the time when he ceased to be employed in employment mentioned in head (v) or head (vi) of sub-paragraph (*b*) of this paragraph an officer was in the course of making payments in respect of any period of service as a condition of being entitled to reckon that period as service or as a period of contribution for the purposes of the scheme, that period shall not be reckonable as contributing service except in accordance with regulation 32;

(*v*) if at the time when he ceased to be employed in employment mentioned in head (v) or head (vi) of sub-paragraph (*b*) of this paragraph an officer was in the course of making payments in respect of any period of service or period of contribution under the scheme as a condition of increasing the length at which that period would be reckonable for the purpose of calculating the benefits under the scheme, that period shall be reckonable as contributing service at the length at which it would have been reckonable if no such payments as aforesaid had been made and shall not otherwise be reckonable as contributing service except in accordance with regulation 32; and

(*vi*) if at the time when he left any such employment as is mentioned in head (iv), head (v) or head (vi) of sub-paragraph (*b*) of this paragraph an officer was in the course of making payments in respect of added years, those years shall not be reckonable as contributing service except in accordance with regulation 33;

(*c*) any period of employment, war service or national service which, under these regulations, is reckonable as service by reason of the fact that the officer is in the course of making or has completed payments in respect thereof under regulation 25 or under any corresponding provision of the previous regulations; and

(*d*) any other service which by virtue of these regulations is to be reckoned as contributing service.

(2) Any war service or national service which is reckonable as a period of service under regulation 23 in relation to an officer shall be reckonable as a period of contributing service if his service immediately before such war service or national service is so reckonable.

(3) Any service in respect of which an officer completed payments in accordance with the provisions of the fourth schedule to the 1948 regulations, the third schedule to the 1950 regulations or the second schedule to the 1955 regulations, shall be reckonable as contributing service and any outstanding instalments of a sum payable or deemed to be payable under the second schedule to the 1955 regulations shall be deemed to be instalments of a sum payable under the second schedule to these regulations.

(4) Any employment which is reckonable as service under regulation 28 in relation to an officer shall, in so far as the Secretary of State has so allowed, be reckonable as contributing service.

(5) Where a person, before entering the employment in which he is an officer—

(*a*) was a contributory employee and was entitled by virtue of section 15 of the Act of 1937 (which relates to teachers) to reckon any period of first class service under the Teachers' Superannuation Regulations (not being such service as is mentioned in proviso (*a*) to section 15 of the Act of 1937) as non-contributing service for the purposes of the Act of 1937; or

(*b*) was a local Act contributor and was entitled under the local Act scheme to which he was a contributor to reckon any period of first class service under the Teachers' Superannuation Regulations (not being such service as is mentioned in proviso (*a*) to section 15 of the Act of 1937) as non-contributing service or as service reckonable at half its actual length for the purposes of the local Act scheme,

that period of service shall be reckonable as contributing service.

(6) There shall be reckonable as non-contributing service in relation to the employment of an officer by an employing authority any service which is not reckonable as contributing service and which is not reckonable solely for the purpose of determining whether any benefit is payable under these regulations.

(7) An officer may, within three months of becoming such officer, or within such longer period as the Secretary of State may allow, elect to make payments in accordance with and subject to the provisions of the second schedule in order to convert any years of non-contributing service reckonable by him to contributing service.

(8) Notwithstanding the provisions of paragraph (6) of this regulation, any period of service in respect of which an officer has made or is in course of making payments under the second schedule shall be reckonable as contributing service.

(9) Where a person to whom regulation 19 applies, or to whom the corresponding provision of the previous regulations applied, was in his former employment a contributory employee or local Act contributor, then—

(*a*) if a discretionary power has been exercised in his favour under rules made under section 2 of the Act of 1948, any addition deemed under those rules to have been made to the service reckonable by him at the time when he left the employment in which he was a contributory employee or local Act contributor shall, if a transfer value has been paid in respect thereof under the said rules, be reckonable under these regulations as contributing service; or

(*b*) if a resolution was passed or a discretion was exercised in relation to him under regulation 17 of the 1950 regulations or regulation 17 of the 1948 regulations, any number of years in respect of which the resolution was passed or the discretion was exercised shall be reckonable under these regulations as contributing service;

Provided that no period shall be reckonable as contributing service under sub-paragraph (*a*) or (*b*) of this paragraph unless, had that period been reckonable immediately before he left his former employment as contributing service under the Act of 1937, or as service or as a period of contribution under the local Act scheme to which he was a contributor, it would have been reckonable in the employment in which the person is an officer.

Continuation of additional contributory payments previously made under the Local Government Regulations, 1954

31. Where a person to whom regulation 19 applies—

(*a*) has become an officer after leaving employment in which he was a contributory employee; and

(*b*) at the time when he left that employment was, or was treated as if he were, in the course of making additional contributory payments under the second schedule to the Local Government Regulations, 1954,

he shall be entitled to make the outstanding payments as if they were instalments of a sum payable under the second schedule to these regulations and, if he completes the payments in the manner provided in the second schedule to these regulations, to have the service in respect of which they were made reckoned as contributing service:

Provided that this paragraph shall not apply to any officer who has not, within three months after entering their employment, given notice in writing to the employing authority of his election to continue payments under this regulation and paid to that authority within that period or within such longer period as the Secretary of State may in any particular case allow an amount equal to any sum paid to him by way of a return of additional contributory payments made in respect of the said period of service on or after ceasing to hold the employment in which he was a contributory employee together with an amount equal to any income tax which was deducted from his additional contributory payments in respect of such return.

Continuation of additional contributory payments previously made under certain schemes

32.—(1) The following provisions of this regulation shall apply where a person to whom regulation 19 applies—

(*a*) has become an officer after leaving employment in which he was a local Act contributor; and

(*b*) at the time when he left that employment was in the course of making payments (otherwise than in respect of added years) by way of—

(i) instalments in discharge of a fixed sum; or

(ii) contributions of a fraction or percentage of emoluments additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon any period of employment in relation to which those payments were being made as a period of service or a period of contribution for the purposes of the local Act scheme, or as a condition of increasing the length at which the said period of employment would be reckonable as a period of service or a period of contribution for the purpose of calculating a benefit under the local Act scheme.

(2) If the officer notifies the employing authority in writing within three months after entering their employment that he elects to make payments under this regulation and pays to that authority within that period or within such longer period as the Secretary of State may in any particular case allow an amount equal to any sum paid to him by way of a return of any such payments as are referred to in the last preceding paragraph, then—

(*a*) in a case to which sub-paragraph (*b*) (i) of the last preceding paragraph applies the amount which, if paid as a single payment, would discharge the outstanding liability; and

(*b*) in a case to which sub-paragraph (*b*) (ii) of the last preceding paragraph applies the capital value of the outstanding liabilities, as certified by an actuary appointed by the local Act authority,

shall be deemed to be a sum payable under the second schedule to these regulations and if payment is made in accordance with the provisions of

that schedule the period of employment in respect of which the payments were being made shall be reckonable as a period of contributing service in the manner in which it would have been reckonable under these regulations if the payments had been completed before the officer left the employment in which he was a local Act contributor.

(3) Subject to any necessary modifications, this regulation shall apply in relation to a scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19 as it applies in relation to a local Act scheme and the expression "local Act contributor" shall be construed accordingly.

Provisions with respect to added years

33.—(1) Subject as hereinafter provided, where a person to whom regulation 19 applies—

(*a*) has become an officer after leaving employment in which he was a contributory employee or local Act contributor; and

(*b*) at the time when he left that employment was in the course of making payments in respect of added years,

then, if he complies with such of the conditions set out in the next succeeding paragraph as are applicable in his case, he shall be entitled to continue to make the like payments to his employing authority in respect of the added years as he would have been liable to make to the appropriate superannuation fund if the superannuation enactment to which he was subject in his former employment had been applicable to him in his new employment; and if he makes the said payments to his employing authority in the manner in which, and at the times at which, he would have been liable to make them as aforesaid, he shall be entitled—

(i) to enjoy in relation to his employment as an officer rights in respect of added years corresponding with the rights which he would have enjoyed if at the time of entering the employment in which he is an officer he had become, instead, a contributory employee; and

(ii) to continue to enjoy those rights so long as he makes payments in respect of the said added years in the manner and at the times aforesaid and remains an officer of any employing authority without a break of twelve months or more during no part of which he is a contributory employee or local Act contributor.

(2) The conditions to which the last preceding paragraph refers are—

(*a*) that within three months after entering employment in which he is an officer he gives notice in writing to his employing authority of his election to continue payments in respect of the said added years and pays to that authority within that period or within such longer period as the Secretary of State may in any particular case allow an amount equal to any sum paid to him by way of return of contributions paid in respect of the said added years on or after his ceasing to hold the employment in which he was a contributory employee or local Act contributor together with an amount equal to any income tax which was deducted from his contributions in respect of such return; and

(*b*) that he pays to the employing authority in respect of the period since he left the employment in which he was a contributory employee or local Act contributor an amount equal to the amount which in the aggregate he would have paid to the superannuation fund to which he was a contributor in respect of that period if he had remained in his former employment.

(3) Notwithstanding anything in the preceding provisions of this regulation—

(*a*) an officer shall not be entitled to make payments in respect of added years under paragraph (1) of this regulation if he left the employment in which he was a contributory employee or local Act contributor in such circumstances that in consequence of a resolution of the authority by whose consent the added years first become reckonable he ceased to be entitled to reckon the said added years ; and

(*b*) an officer who makes payments in respect of added years under paragraph (1) of this regulation in respect of employment in which he is an officer shall make payments also in respect of those added years—

(i) in respect of any other employment as an officer which he holds concurrently with the first-mentioned employment ; and

(ii) in respect of any period (since he first became entitled to reckon added years under paragraph (1) of this regulation) during which he was not an officer unless during that period he became a contributory employee or local Act contributor.

(4) Payments in respect of any such period as is referred to in sub-paragraph (*b*) (ii) of the last preceding paragraph shall be made at the rate at which payments in respect of added years were being made by the person concerned immediately before he ceased to be an officer and shall be paid to the employing authority within three months after the person concerned has entered the employment in which he is an officer.

(5) Subject to any necessary modifications, this regulation shall apply in relation to added years reckonable under a scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19 as it applies in relation to a local Act scheme and the expression " local Act contributor " shall be construed accordingly.

Method of calculating service, contributing service and non-contributing service

34. For the purpose of making any calculation under these regulations (except a calculation under the second schedule or the third schedule) in respect of an officer's service—

(*a*) all periods of his service shall be aggregated ;

(*b*) all periods of his contributing service shall be aggregated ;

(*c*) his non-contributing service shall be calculated by deducting all completed years of his contributing service from his service, and if his non-contributing service as so calculated includes a fraction of a year, that fraction shall, if it exceeds six months, be treated as a year, and in any other case be disregarded :

Provided that for the purpose of calculating the amount of any benefit payable to or in respect of an officer employed whole-time in a single employment who had formerly been employed in a part-time capacity otherwise than as a practitioner, the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

Meaning of average remuneration

35.—(1) For the purposes of these regulations, the average remuneration of a person in relation to his employment as an officer by any employing authority means the annual average of the remuneration of his employment

by that authority, and of any other employment, war service or national service reckonable by him as contributing service or non-contributing service in relation to that employment, for an aggregate period of three years during which he was so employed or engaged in war service or national service as aforesaid, ending on the date on which he ceased to hold his employment as an officer, or the date on which he became an officer mentioned in paragraph (4) of regulation 9 whichever is the earlier:

Provided that—

(*a*) in the case of an officer transferred under the Act who became at the date of his transfer an officer mentioned in paragraph (4) of regulation 9, the calculation shall be made by reference to an aggregate period of three years ending on the appointed day;

(*b*) in the case of an officer who—

(i) during the said period of three years ceased to hold any other employment under an employing authority (hereinafter in this regulation called "a concurrent employment") without being entitled in respect thereof to any benefit under these regulations; and

(ii) does not hold any other employment in relation to which the concurrent employment is reckonable as service,

the remuneration of the concurrent employment so far as it was earned during the said period of three years shall be taken into account in calculating the annual average of his remuneration during that period;

(*c*) in the case of an officer who, on a reduction in his remuneration, made contributions in accordance with paragraph (5) of regulation 9 or the corresponding provision of the previous regulations, the remuneration on which he so made contributions in respect of the period during which his remuneration was reduced shall be deemed to have been the remuneration of his employment during that period;

(*d*) in the case of an officer who made contributions in accordance with paragraph (6) of regulation 9 or the corresponding provision of the previous regulations, the remuneration on which he so made contributions shall be deemed to have been the remuneration of his employment;

(*e*) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty owing to illness or injury, no account shall be taken of the reduction or suspension;

(*f*) the remuneration of an officer in respect of any period of war service or national service which is reckonable as service under these regulations shall be deemed to have been the remuneration on which he made contributions in accordance with paragraph (9) of regulation 9 or paragraph (8) of regulation 8 of the 1955 regulations;

(*g*) if the officer, having been previously engaged in any other employment, is engaged in the part-time employment of each of two or more authorities, the remuneration of that other employment shall be treated as attributable to those part-time employments and shall be apportioned between them; and

(*h*) the average remuneration of an officer whose contributing service and non-contributing service is less in the aggregate than three years shall be deemed to be the annual average of his remuneration for such shorter period.

(2) Except as provided in proviso (*g*) to paragraph (1) of this regulation the remuneration of any previous employment shall not be taken into account in calculating a person's average remuneration in relation to his employment as an officer if that remuneration has previously been taken into account in the calculation of his average remuneration in relation to any other employment for the purpose of a benefit payable to him under these regulations in respect of that other employment.

(3) Notwithstanding anything in the preceding provisions of this regulation, there shall not be payable to or in respect of an officer to whom proviso (*b*) to paragraph (1) of this regulation applies any greater amount by way of superannuation benefits than the aggregate amount which would have been payable to or in respect of him if he had—

(*a*) continued to hold the concurrent employment to which that proviso refers until the expiration of the period of three years by reference to which his average remuneration was calculated; and

(*b*) continued to earn remuneration in respect of the concurrent employment at the rate at which he was earning it immediately before he ceased to hold the concurrent employment.

Return of contributions

36.—(1) (*a*) The provisions of paragraph (2) of this regulation shall apply in relation to a person who is an excepted officer, the provisions of paragraphs (3) to (5) shall apply in relation to a person who is not an excepted officer and the provisions of paragraphs (6) and (7) shall apply in relation to any person whether or not he is an excepted officer.

(*b*) In this regulation, the word "contributions" has the meaning assigned to it by paragraph (9) of regulation 2, but only in so far as any sums included in that definition have not been returned to and retained by the person, and are attributable to service which might have been reckoned under these regulations in relation to the employment he has ceased to hold, or in which he has ceased to be an officer or has died.

(*c*) In this regulation, references to cessation of employment by reason of resignation or dismissal in consequence of an offence of a fraudulent character or of grave misconduct, shall be deemed to include references to cessation of employment when such an offence or such misconduct is committed after notice to terminate that employment has been given.

(*d*) For the purposes of this regulation a person shall not be regarded as entitled to an injury allowance under these regulations if by reason of the provisions of paragraph (4) of regulation 12 no sum is for the time being receivable by him on account thereof.

(2) An officer who on ceasing to be employed is not entitled to a pension, retiring allowance, injury allowance or short service gratuity and who holds no other employment in which he is an officer and a person (other than a person to whom paragraph (2) of regulation 10 applies) who, though not ceasing to be employed, ceases to be an officer to whom these regulations apply shall be entitled to receive from the Secretary of State a return of his contributions, together with compound interest thereon:

Provided that—

(*a*) if an officer ceases to be employed by reason of his resignation or dismissal in consequence of an offence of a fraudulent character or of grave misconduct, being such an offence or such misconduct committed

by him in connection with the performance of the duties of his employment or otherwise in relation to his employment there shall be no right to a return of contributions, but the Secretary of State may, if he thinks fit, return to him or pay to his spouse or any dependant a sum equal to the whole or a part of his contributions, with interest; and

(*b*) if any of the contributions were made under an enactment or scheme in the benefits of which the person participated before becoming an officer, and the officer has ceased to be employed in circumstances in which under that enactment or scheme those contributions would not have been returnable, or would have been returnable or might have been returned without interest, no interest shall be calculated on the contributions so made up to the date on which he became an officer.

(3) The following persons shall be entitled to receive from the Secretary of State a sum equal to the amount of their contributions together with compound interest thereon—

(*a*) an officer who, before becoming entitled to a pension, retiring allowance, injury allowance or short service gratuity, ceases to be employed by an employing authority for any reason other than his voluntary resignation or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct, and who holds no other employment in which he is an officer; and

(*b*) a person (other than a person to whom paragraph (2) of regulation 10 applies) who, though not ceasing to be employed, ceases (otherwise than at his own request) to be an officer to whom these regulations apply:

Provided that if any of the contributions were made under an enactment or scheme in the benefits of which the person participated before becoming an officer, and the officer has ceased to be employed in circumstances in which under that enactment or scheme those contributions would not have been returnable, or would have been returnable or might have been returned without interest, no interest shall be calculated on the contributions so made up to the date on which he became an officer.

(4) The following persons shall be entitled to receive from the Secretary of State a sum equal to the amount of their contributions—

(*a*) an officer who, before becoming entitled to a pension, retiring allowance, injury allowance or short service gratuity, ceases to be employed by an employing authority by reason of his voluntary resignation or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct, not being such an offence or grave misconduct in connection with the duties of, or otherwise in relation to, his employment and who holds no other employment in which he is an officer; and

(*b*) a person (other than a person to whom paragraph (2) of regulation 10 applies) who, though not ceasing to be employed, ceases at his own request to be an officer to whom these regulations apply.

(5) If an officer ceases to be employed by an employing authority by reason of his resignation or dismissal in consequence of an offence of a fraudulent character or of grave misconduct, being such an offence or such misconduct in connection with the performance of the duties of, or otherwise in relation to, his employment and is not entitled to a pension, retiring allowance,

injury allowance or short service gratuity, the Secretary of State may, if he thinks fit, return to him or pay to his spouse or any dependant a sum equal to the whole or a part of his contributions.

(6) If an officer dies, and no death gratuity is payable in respect of his death, then, unless the Secretary of State grants a gratuity or annual allowance to that person's widow or a dependant in accordance with paragraph (3) of regulation 12, his legal personal representatives shall be entitled to receive from the Secretary of State the amount of his contributions, together with compound interest thereon.

(7) If a person dies who, at the time of his death, was entitled to an injury allowance but to no other benefit under these regulations, then, unless the Secretary of State grants a gratuity or annual allowance to that person's widow or a dependant in accordance with paragraph (3) of regulation 12 or a benefit becomes payable in respect of him under the provisions of regulation 16, his legal personal representatives shall be entitled to receive from the Secretary of State the amount of his contributions, together with compound interest thereon, less the amount which that person has received in respect of the said allowance.

Officers ceasing to be employed in consequence of the Act

37.—(1) Where an officer ceases to be employed by an employing authority in consequence of the Act without having become entitled to any benefit under these regulations other than a return of contributions, then, if he had been employed in manner prescribed by regulations made by the Secretary of State under section 67 of the Act (which relates to the transfer and compensation of officers) and compensation would be payable to him thereunder but for the fact that he had not been so employed for the period thereby prescribed, he shall be entitled to receive from the Secretary of State a sum equal to the accrued value of his prospective rights under these regulations, less the amount of any sum to which he has become entitled by way of a return of contributions:

Provided that an officer shall not be entitled to receive any such sum as aforesaid if—

(*a*) a transfer value is payable in respect of him by the Secretary of State; or

(*b*) the Secretary of State decides to make a payment in respect of him under paragraph (1) of regulation 76.

(2) For the purposes of the preceding paragraph, the accrued value of an officer's prospective rights under these regulations shall be treated as being an amount equal to the amount of the transfer value which would have been payable in respect of him in accordance with the provisions of the third schedule had a transfer value fallen to be calculated under that schedule or, if he was a person to whom regulation 46 applied, such a sum as the Secretary of State may consider reasonable:

Provided that no account shall be taken of any rights secured by a policy of insurance.

(3) For the purposes of these regulations, any sum received by a person under this regulation or the corresponding provision of the previous regulations shall be treated as if it were a sum paid to him by way of a return of contributions.

(4) Where a person who has received a sum under this regulation or the corresponding provision of the previous regulations give notice to an

employing authority under paragraph (1) of regulation 25 that he intends to make payments in accordance with that paragraph, he shall not be entitled to make such payments unless forthwith on giving such notice he pays to the employing authority an amount equal to the said sum, together with compound interest thereon, at the rate of three and one-quarter per cent. per annum, calculated, with yearly rests, as from the date on which the said sum was received.

Calculation of interest on contributions

38. Where under any of these regulations provision is made for the calculation of compound interest on the contributions of an officer, that calculation, unless otherwise provided, shall be made at the rate of two and one-half per cent. per annum, with yearly rests, up to the date of his death, or, if he ceased to be an officer before he died, the date on which he ceased to be an officer, and shall begin to run from the first day of the year commencing on the first day of April following the year in which the contributions were made:

Provided that—

(*a*) if any of the contributions were made under an enactment or scheme in the benefits of which the officer participated before becoming an officer, and that enactment or scheme made provision for the calculation of interest on contributions returned thereunder in a different manner from that provided by this regulation, interest on the contributions so made shall be calculated in manner provided by the enactment or scheme in the benefits of which the officer last participated before becoming an officer up to the date on which he became an officer, or, if he received a return of those contributions before that date, up to the date of such return; and

(*b*) where an officer, having received a return of contributions on or after ceasing to hold some former employment, has paid or repaid those contributions to the employing authority, then—

(i) if those contributions were returned without interest, the interest thereon shall not begin to run until the first day of April in the year following that in which those contributions were so paid or repaid as aforesaid; and

(ii) if those contributions were returned with interest, no interest shall be calculated thereon between the date on which they were returned and the first day of April in the year following that in which they were so paid or repaid as aforesaid.

Conditions attaching to grant of pension or injury allowance

39.—(1) Subject as hereinafter provided, where a person who has not attained the age of sixty years is in receipt of a pension under head (i) of sub-paragraph (*a*) of paragraph (1) of regulation 10 or the corresponding provision of the previous regulations or an injury allowance under these regulations or the previous regulations and the Secretary of State is satisfied that he has become capable of resuming the duties of his employment, he may require him to enter the employment of any employing authority in any capacity for which his previous experience may render him suitable, and if he declines to enter that employment, or declines or neglects satisfactorily to discharge the duties thereof, he shall not be entitled to any payment on account of the pension or allowance in respect of any period before he attains the age of sixty years:

Provided that the Secretary of State shall not require a person to whom this paragraph applies to enter the employment of an employing authority if that person has entered or enters any other employment approved by the Secretary of State, so long as he continues in employment so approved.

(2) The Secretary of State may require a person to whom paragraph (1) of this regulation applies to submit himself to a medical examination by a registered medical practitioner selected by the Secretary of State, or, at the discretion of the Secretary of State, by a panel of registered medical practitioners selected by the Secretary of State, and, if he does so, he shall also offer the person an opportunity of submitting a report from the person's own medical adviser as a result of an examination made by him, and the Secretary of State shall take that report into consideration, together with the report of the medical practitioner or panel of medical practitioners selected by the Secretary of State.

(3) If a person fails to comply with a requirement made under the last preceding paragraph he shall be treated as if the Secretary of State were satisfied that he had become capable of resuming the duties of his employment.

(4) Where the Secretary of State is satisfied that a person to whom paragraph (1) of this regulation applies is capable of resuming the duties of his employment but the person is unwilling to accept employment under an employing authority which has been offered to him, and the Secretary of State has not approved any other employment he may have entered or proposes to enter, the Secretary of State, before requiring him to enter the employment which has been offered to him or any other employment, shall refer the matter to a referee or board of referees appointed for the purpose by the Minister of Labour, and shall consider the advice which, after having interviewed the person and afforded him an opportunity of stating his case, the referee or board of referees tenders to the Secretary of State as to whether, regard being had to the person's previous experience and all the circumstances of the case, it being assumed that he is capable of resuming the duties of his employment, it would be reasonable to require him to enter the employment which has been offered to him or any other employment specified by the referee or board of referees.

Reduction of pension or injury allowance in certain cases

40.—(1) Where a person who has become entitled to a pension or injury allowance under these regulations or the previous regulations—

(*a*) continues to hold any employment (hereinafter in this regulation called " continuing employment ") which he held immediately before he became entitled to the said pension or injury allowance ; or

(*b*) since becoming entitled to the said pension or injury allowance has entered employment (hereinafter in this paragraph called " new employment "), whether under the provisions of the last preceding regulation or otherwise,

and the remuneration of the continuing or new employment is payable out of public funds, then the rate of pension or allowance payable to him at any time during the period during which he holds the continuing or new employment shall not exceed the amount, if any, by which the annual rate of emoluments of the continuing or new employment falls short of the annual rate of remuneration or the annual rate of the average remuneration, whichever is the greater, of the employment in relation to which he became entitled to the pension or allowance, together with the annual rate of remuneration payable in respect of the continuing employment (if any) immediately before he became entitled to the pension or allowance.

(2) Where a person who has become entitled to a pension or injury allowance under these regulations or the previous regulations (other than a person to whom the last preceding regulation applies) proposes to accept further employment the remuneration of which will be payable out of public funds, he shall inform his prospective employer that he is so entitled and, if he enters that employment, shall forthwith give notice in writing to the Secretary of State that he is so employed.

(3) The provisions of paragraph (1) of this regulation apply in relation to a person who holds both a continuing employment and a new employment as they apply to a person to whom either sub-paragraph (*a*) or sub-paragraph (*b*) of that paragraph applies.

(4) For the purposes of this regulation a person's annual rate of remuneration shall be computed, in so far as it consisted of or comprised salary, wages or other emoluments, whether in money or in kind, receivable by the person in the employment in relation to which he became entitled to the pension or allowance at a fixed rate, at the rate at which it was payable immediately before he ceased to hold the said employment; and in so far as it consisted of or comprised fees and other emoluments not of a fixed nature, at the average rate at which he received those fees and other emoluments during the three years immediately before he ceased to hold the said employment or, if he was not entitled during the whole of that period to receive those fees and other emoluments, at the average rate for the period during which, within the said period of three years, he was entitled to receive them.

Combined benefits in the case of certain re-employed pensioners

41.—(1) Where a person who has become entitled to a pension, retiring allowance or injury allowance under these regulations or the previous regulations has again become an officer, he may, unless the provisions of regulation 42 have been applied in respect of his previous service as an officer, if he so elects, or has so elected under the corresponding provision of the previous regulations, as from the date on which he ceases to be an officer, be entitled to benefits in accordance with the following provisions of this regulation in lieu of any pension or injury allowance to which he has become entitled as aforesaid and of any benefits to which he might otherwise be entitled under these regulations in respect of his service as such officer.

(2) A person to whom the last preceding paragraph applies shall be entitled on ceasing to be an officer to receive the like benefits as he would be entitled to receive if the service in respect of which he previously became entitled to a pension, retiring allowance or injury allowance were reckonable in addition to his service as such officer:

Provided that if the person has previously been entitled to a retiring allowance under these regulations or the previous regulations then—

(*a*) if the amount of the said retiring allowance (hereinafter in this paragraph called "the first allowance") equals or exceeds the amount of the retiring allowance to which, apart from this sub-paragraph, he would be entitled under this paragraph (hereinafter called "the second allowance")—

(i) a retiring allowance shall not be payable under this paragraph; and

(ii) any other benefits payable to or in respect of the person under this paragraph shall be reduced in such manner as the Secretary of

State may determine to be necessary for the purpose of recovering the amount (if any) by which the first allowance exceeds the second allowance; and

(*b*) if the amount of the second allowance exceeds the amount of the first allowance the second allowance shall be reduced by the amount of the first allowance.

(3) Where a person who has become entitled to benefits under this regulation dies, regard shall be had for the purposes of the application of proviso (iv) to regulation 15 to any payments made on account of any pension, retiring allowance or injury allowance to which he had previously been entitled.

(4) If a person to whom paragraph (1) of this regulation applies had taken advantage of the provisions of regulation 14 or the corresponding provisions of the previous regulations, in relation to any pension or injury allowance to which he had previously become entitled as aforesaid, no title to any pension shall accrue by reason thereof.

(5) If a person who has become entitled to benefits under this regulation again enters employment as an officer, paragraph (1) of this regulation shall not apply on his ceasing to hold that employment unless he so elects.

Separate benefits in the case of certain re-employed pensioners

42.—(1) Where a person who is entitled to a pension or injury allowance payable out of public funds, whether under these regulations or otherwise, has become an officer and his pension or allowance is on that account liable to be reduced or suspended, then, on ceasing to be employed unless he is a person to whom the last preceding regulation applies, the service in respect of which that pension or allowance was granted shall be reckonable for the purpose of determining whether the person is entitled to receive any benefit under these regulations and for the purposes of regulation 29, but for no other purpose.

(2) In the calculation of any benefit payable to or in respect of such a person under these regulations, whether by virtue of the last preceding paragraph or otherwise, account shall not be taken of any number of years of service under these regulations by which those years, together with the years of service in respect of which the pension aforesaid was granted, exceed forty-five years:

Provided that—

(*a*) where the said pension was granted to an established officer or servant of the first class under the Act of 1909 or to a person having (by virtue of an option exercised under these regulations, or the previous regulations) rights corresponding with the rights of a first class officer or servant under the Act of 1909, the number of years in respect of which the pension was granted shall be multiplied by six fifths, and any fraction of a year shall be disregarded;

(*b*) where the said pension was granted to a person who was a mental health officer or a person having, in respect of years of service over twenty, rights corresponding with those of a mental health officer, each year of which account was taken as if it was two years in calculating the amount of the said pension shall be reckoned as two years for the purposes of this paragraph;

(*c*) where the said pension was granted to a person having (by virtue of an option exercised under the 1948 regulations) rights corresponding with the rights of a person to whom the Superannuation (Prison

Officers) Act, 1919, applied, each year in respect of which two eightieths or two sixtieths of his annual salary and emoluments were added in calculating the amount of the said pension shall be reckoned as two years for the purposes of this paragraph;

(*d*) where, under the proviso to paragraph (1) of regulation 11 of these regulations, or under a similar provision contained in or authorised by any other enactment or scheme, the said pension was calculated by reference to a minimum fraction of remuneration, it shall be deemed to have been granted in respect of years of service equal in number to the numerator of that fraction; and

(*e*) any other notional increase or extension of service shall be similarly taken into account for the purposes of this paragraph.

(3) Where a benefit, other than a short service gratuity, becomes payable to or in respect of a person to whom this regulation applies, any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him shall be disregarded.

(4) Where a short service gratuity becomes payable to a person to whom this regulation applies, and the service which he is entitled to reckon for the purpose of calculating any benefit under these regulations is less than five years, the short service gratuity shall be either the amount which bears the same proportion to the sum otherwise payable as the period of service so reckonable bears to the period of five years or a sum equal to the amount of his contributions together with compound interest thereon, whichever is the greater.

(5) Where a person who has become entitled to benefits under this regulation dies, no regard shall be had for the purposes of the application of proviso (iv) to regulation 15 to any payments made on account of any pension, retiring allowance or injury allowance to which he became entitled before last becoming an officer.

(6) Notwithstanding anything in this regulation, the benefits payable under these regulations to or in respect of a person shall not be less than the benefits which would have been payable under these regulations had this regulation other than paragraph (2) thereof not been made.

Calculation of benefits on death of re-employed pensioner

43. Where such a person as is mentioned in regulation 41 dies while still an officer, the benefits payable in respect of him shall be calculated as if immediately before his death he had become entitled to a benefit under regulation 41 or a benefit under regulation 42, whichever method of calculation gives the greater benefit:

Provided that the method of calculation under regulation 42 shall not be applied in respect of any officer to whom that regulation could not have applied if he had ceased to be employed immediately before his death.

Benefits of officers who have exercised option to retain rights corresponding with those previously enjoyed

44.—(1) Where—

(*a*) before the date of coming into operation of these regulations an officer was entitled by virtue of paragraph (1), (2), (3) or (5) of regulation 43 of the 1955 regulations to enjoy rights corresponding with those which

he would have enjoyed if he had remained subject to the superannuation enactment or scheme previously applicable in his case; and

(*b*) the provisions of Part II of the 1955 regulations would have applied to a person in relation to the employment in which he was an officer, in the manner prescribed by paragraph (1) of regulation 43 of the 1955 regulations,

the provisions of this part of these regulations shall similarly apply to and in respect of him, as if, in relation to his employment as such officer, they required him to make the like contributions (if any) as he would have been liable to make and conferred upon him rights corresponding with those which he would have enjoyed if he had remained subject to the enactment or scheme previously applicable in his case, and those provisions shall continue so to apply to and in respect of him so long as he is an officer of any employing authority without a break in employment of more than twelve months, and without having become entitled, during any break in employment, to participate in superannuation benefits by virtue of employment otherwise than under an employing authority:

Provided that—

(*a*) for the purposes of this paragraph a person shall not be treated as having had a break in employment of more than twelve months if—

(i) he left employment as an officer, immediately thereafter became engaged in national service and returned to employment as an officer within six months after the termination of that service; or

(ii) he left employment as an officer in order to enter an approved course of study or training and re-entered employment as an officer without having had a break of more than twelve months since leaving his previous employment (no account being taken of the period of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course; or

(iii) he left employment as an officer and—

(*i*) immediately thereafter became engaged in national service;

(*ii*) on the termination of that service entered an approved course of study or training; and

(*iii*) re-entered employment as an officer within six months after the termination of his national service (no account being taken of the period of the said course of study or training);

(*b*) if an officer who exercised an option referred to in regulation 43 of the 1955 regulations to retain rights corresponding with those enjoyed under the Act of 1909 or the Superannuation Acts was immediately before becoming an officer an established officer or servant of the first class under the Act of 1909 or a person to whom the Superannuation (Prison Officers) Act, 1919, applied, and is at any time employed otherwise than for the purposes of a hospital or part of a hospital used for the treatment of persons suffering from mental disorder, the option shall cease to have effect; and

(*c*) if a person (other than a mental health officer) who exercised an option referred to in regulation 43 of the 1955 regulations to retain rights corresponding with those enjoyed under any enactment or scheme, at any time becomes a mental health officer, he may, if he notifies the employing authority in writing within one month after becoming such

an officer that he so desires, avail himself of the benefits provided by these regulations in lieu of the rights to which he was previously entitled and, if he does so, the option shall cease to have effect.

(2) Where a person becomes an officer in consequence of the acquisition of premises by the Secretary of State, either by purchase under section 57 of the Act or in any other manner, having immediately before becoming such officer been subject to the provisions of—

(*a*) the Superannuation Acts; or

(*b*) the Act of 1937; or

(*c*) a local Act scheme; or

(*d*) any scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19,

the officer, unless he is such a person as is mentioned in the next succeeding paragraph, may notify his employing authority in writing within three months after becoming an officer that he does not wish to avail himself of the benefits provided by these regulations, and in that event the provisions of this part of these regulations shall apply in relation to him in like manner as they apply to and in respect of a person to whom the provisions of paragraph (1) of this regulation apply.

(3) The provisions of the last preceding paragraph shall apply to an officer who, having been subject to the Act of 1937 or a local Act scheme and having attained the age of compulsory retirement applicable in his case, becomes an officer in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner as if, after becoming an officer, he had exercised the option conferred by the last preceding paragraph to retain rights corresponding with those enjoyed under the Act of 1937 or the local Act scheme, as the case may be.

(4) Where a person has become entitled to a pension or injury allowance under these regulations or the previous regulations in terms of an option exercised, or which is treated as having been exercised, under this regulation, or under the corresponding provision of the previous regulations, the conditions prescribed by regulations 39, 40 and 41 shall not apply in relation thereto, but in lieu thereof any corresponding conditions prescribed by the enactment or scheme to which he was formerly subject shall attach to the pension or allowance as if it had been granted under that enactment or scheme, and as if any employment as an officer, whether before or after his becoming entitled to the pension or allowance, were employment in the capacity in which he was subject to the said enactment or scheme.

(5) Where, after ceasing to be an employee of a local health authority or education authority, a person has become an officer to whom regulation 19 applies, then if he—

(*a*) had exercised an option under regulation 17 of the Local Government Regulations, 1954, to enjoy rights corresponding with those previously enjoyed by him in lieu of the rights (other than any right expressly made applicable to or in respect of him by the Local Government Regulations, 1954), which he would otherwise have enjoyed under or by virtue of the Local Government Regulations, 1954;

(*b*) was entitled to enjoy the said corresponding rights by virtue of his having exercised such an option as is mentioned in regulation 44 of the 1950 regulations or given the notice referred to in regulation 47 of those regulations; and

(*c*) would have been entitled to enjoy the said corresponding rights if instead of becoming an officer he had become a contributory employee in employment such as is mentioned in paragraph (1) of regulation 21 of the Local Government Regulations, 1954, or, being a local Act contributor such as is mentioned in paragraph (1) of regulation 22 of the Local Government Regulations, 1954, had re-entered the employment of his former employer,

the provisions of paragraph (1) of this regulation shall apply to him as if he had exercised an option to retain rights corresponding with those which he would have enjoyed had he remained in the employment which he ceased to hold before becoming an officer.

(6) Notwithstanding the preceding provisions of this regulation, if a person in terms of an option exercised, or which is treated as having been exercised, under this regulation, or the corresponding provision of the previous regulations has become entitled to a benefit, other than a return of contributions, payable under these regulations or the 1955 regulations and thereafter enters employment in which he is an officer, then, if he cannot in that employment become entitled to any further benefit by virtue of the aforesaid option, this part of these regulations shall apply to him in respect of that employment as if he had not exercised the aforesaid option:

Provided that paragraph (4) of this regulation, in so far as it excludes the application to him of regulations 39 and 40 and provides that in lieu thereof any corresponding conditions prescribed by the enactment or scheme to which he was formerly subject shall attach to his pension or allowance as if it had been granted under that enactment or scheme, shall continue to apply in relation to any pension or allowance payable in terms of the aforesaid option under these regulations or the 1955 regulations in respect of his former employment.

Benefits of officers who did not exercise option to retain previous rights or in whose case options have ceased to have effect

45.—(1) The provisions of this regulation shall apply in the case of any officer—

(*a*) to whom paragraph (2) of the last preceding regulation applies and who does not exercise the option conferred by that paragraph; or

(*b*) to whom any provision of the previous regulations corresponding with the said paragraph (2) applied, or to whom paragraph (1) of regulation 24 of the 1948 regulations applied, and who did not exercise the option conferred by any of those provisions; or

(*c*) who exercised any option mentioned in the preceding provisions of this paragraph but in whose case the option exercised has ceased to have effect;

Provided that this regulation shall not apply to any person who, immediately before he first became an officer, was subject to an enactment or scheme which included a title to a death gratuity among its benefits.

(2) The provisions of this regulation shall apply also to a person who has become an officer after leaving employment under a local authority or education authority if in that employment he enjoyed—

(*a*) the rights conferred by paragraph (4) or paragraph (5) of regulation 21 of the Local Government Regulations, 1954, or, as a local Act contributor to whom this regulation, regulation 44 of the 1955 regulations, regulation 29 of the 1950 regulations or Part III or Part IV of the 1950 regulations had previously applied, rights (corresponding with those

conferred by the said paragraphs) conferred by paragraph (1) of regulation 22 of the Local Government Regulations, 1954; or

(*b*) by virtue of paragraph (2) of regulation 45 of the 1950 regulations, rights corresponding with those conferred by regulation 29 of the 1950 regulations; or

(*c*) by virtue of paragraph (2) of regulation 41 of the 1948 regulations, rights corresponding with those conferred by regulation 25 of the 1948 regulations,

and he is entitled to reckon that employment as service for the purposes of these regulations by virtue of regulation 19.

(3) The amount of any retiring allowance payable to—

(*a*) any officer to whom paragraph (1) of this regulation applies shall be increased by one-half per cent. in respect of each year of contributing service, and one-quarter per cent. in respect of each year of non-contributing service, reckonable, in the case of an officer who did not exercise an option, in respect of any period prior to his becoming an officer or, in the case of an officer who exercised an option but in whose case the option has ceased to have effect, in respect of any period prior to the date on which the option ceased to have effect; and

(*b*) any officer to whom paragraph (2) of this regulation applies shall, in respect of each year of contributing service and each year of non-contributing service, be increased by the like percentages as are mentioned in sub-paragraph (*a*) of this paragraph, reckonable in respect of any period in respect of which he would have been entitled (by virtue of any provision mentioned in the said paragraph (2)) to have his retiring allowance (or any corresponding benefit however named) increased if, on leaving the employment in which he was a contributory employee or local Act contributor he had become entitled to that allowance or other corresponding benefit as aforesaid:

Provided that—

(i) where the whole of the retiring allowance payable to the officer in respect of any such period as is mentioned in this paragraph falls to be calculated, in the case of any year of contributing service otherwise than as a practitioner by reference to one eightieth of the officer's average remuneration, and in the case of any year of non-contributing service by reference to one one-hundred-and-sixtieth of such remuneration, and in the case of any year of contributing service as a practitioner by reference to one and one-half per cent. of his remuneration as such for that year, one and one-half per cent. shall be substituted for one-half per cent. in respect of each such year of contributing service, and three-quarters per cent. shall be substituted for one-quarter per cent. in respect of each such year of non-contributing service; and

(ii) where part only of the retiring allowance falls to be calculated in the manner referred to in proviso (i) to this paragraph, the amount of the retiring allowance shall be increased by a sum equal to the sum by which the retiring allowance would have been increased if the whole of that allowance had been calculated in the manner referred to in proviso (i) to this paragraph.

Persons subject to non-statutory superannuation schemes and arrangements

46.—(1) Where before the date of coming into operation of these regulations the Secretary of State was under a liability imposed by paragraph (1) or (4) of regulation 45 of the 1955 regulations to pay in respect of an officer to

whom that paragraph applied the contributions authorised or required by the Federated Superannuation Scheme for Nurses and Hospital Officers to be paid by the employer then, if the officer in respect of whom that liability was incurred, has remained and continues to remain without a break of more than one month at any one time an officer in the employment of any employing authority, the Secretary of State—

(*a*) shall pay the contributions authorised or required by the Federated Superannuation Scheme for Nurses and Hospital Officers to be paid by the employer (other than contributions in respect of any policy of insurance taken out under the scheme between the eighteenth day of March, 1946, and the appointed day or, in the case of a person who has become an officer in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner between such dates as the Secretary of State may have determined) and in that event the officer shall not as such officer be subject to any provisions of these regulations except those contained in this and the next succeeding regulation; and

(*b*) may pay also the contributions authorised or required by the said scheme to be paid by the employer in respect of any policy of insurance taken out under the said scheme between the eighteenth day of March, 1946, and the appointed day, or, in the case of a person who has become an officer in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner between such other dates as aforesaid.

(2) Where before the date of coming into operation of these regulations the Secretary of State—

(*a*) was under a liability imposed by paragraph (2) or (5) of regulation 45 of the 1955 regulations to pay in respect of an officer to whom either of those paragraphs applied the contributions authorised or required by the relevant scheme to be paid by the employer; or

(*b*) was carrying out the relevant scheme or arrangements referred to in either of those paragraphs in exercise of the discretion conferred thereby,

then, if the officer in respect of whom that liability was incurred or in respect of whom the Secretary of State was carrying out the relevant scheme or arrangements has remained and continues to remain without a break of more than one month at any one time an officer in the employment of any employing authority, the Secretary of State—

(i) shall, in the case of an officer to whom sub-paragraph (*a*) of this paragraph applies, pay the contributions authorised or required by the relevant scheme to be paid by the employer; and

(ii) may, in the case of a person to whom sub-paragraph (*b*) of this paragraph applies, carry out the relevant scheme or arrangements,

and in any case in which the Secretary of State is under the liability referred to in sub-paragraph (i) of this paragraph or exercises the discretion conferred by sub-paragraph (ii) of this paragraph, the officer concerned shall not as such officer be subject to any provisions of these regulations except those contained in regulation 37 and in this and the next succeeding regulation.

(3) Subject to the provisions of the last two preceding paragraphs, where a person has before the date of coming into operation of these regulations become an officer, having within twelve months before becoming such officer been participating in the superannuation scheme mentioned in paragraph (1)

of this regulation or any other scheme approved by the Secretary of State for the purposes of this paragraph, then, if the officer so requested the employing authority in writing within three months after becoming an officer, the Secretary of State may, if any relevant scheme continues to be administered by a body, subject to such arrangements as he may have made with that body, pay the contributions authorised or required by the scheme to be paid by the employer, and in any case in which any relevant scheme continues to be administered by a body but the Secretary of State has been unable to make arrangements with that body and in any other case the Secretary of State may carry out the relevant scheme or arrangements, and in that event the officer shall not be subject to any provisions of these regulations except those contained in this and the next succeeding regulation:

Provided that this paragraph shall apply only if the person has remained and continues to remain without a break of more than one month at any one time an officer in the employment of any employing authority.

(4) Where any person (not being a person to whom regulation 44 applies) becomes an officer of an employing authority in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner then, if on such earlier date as the Secretary of State may determine and immediately before becoming an officer he was participating in the superannuation scheme mentioned in paragraph (1) of this regulation, and if the officer so requests the employing authority in writing within three months after becoming such officer, the Secretary of State shall, if the person remains without a break of more than one month at any one time an officer in the employment of any employing authority, pay the contributions authorised or required by the scheme to be paid by the employer, other than contributions in respect of any policy of insurance taken out under the scheme between such earlier date as aforesaid and the date of acquisition, and in that event the officer shall not be subject to any provisions of these regulations except those contained in this and the next succeeding regulation, and the Secretary of State may, if he thinks fit, pay also the contributions authorised or required by the scheme to be paid by the employer in respect of any policy of insurance taken out under the scheme after such earlier date as aforesaid.

(5) Where any such person as is mentioned in the last preceding paragraph, immediately before becoming an officer, was participating in any superannuation scheme of a similar character to the scheme mentioned in paragraph (1) of this regulation or was participating or had reasonable expectations of participating in any other scheme or arrangements for the provision of superannuation benefits, then, if the officer so requests the employing authority in writing within three months after becoming an officer, the Secretary of State shall consider all the circumstances of the case, including any change which may have occurred on the person's becoming an officer in the emoluments previously enjoyed by him, and if he is satisfied that undue hardship would otherwise result, the Secretary of State shall, if any relevant scheme continues to be administered by a body, subject to such arrangements as he may have made with that body, pay the contributions authorised or required by that scheme to be paid by the employer, and in any case in which any relevant scheme continues to be administered by a body but the Secretary of State has been unable to make arrangements with that body and in any other case the Secretary of State may carry out the relevant scheme or arrangements, and in that event the officer shall not be subject to any provisions of these regulations except those contained in this and the next succeeding regulation:

Provided that this paragraph shall apply only if the person remains without a break of more than one month at any one time an officer in the employment of any employing authority.

(6) Subject to the provisions of the last two preceding paragraphs, where a person becomes an officer of an employing authority, having within twelve months before becoming such officer been participating in the superannuation scheme mentioned in paragraph (1) of this regulation or any other scheme approved by the Secretary of State for the purposes of this paragraph, then, if the officer so requests the employing authority in writing within three months after becoming an officer or within such longer period as the Secretary of State may in any particular case allow the Secretary of State may, if any relevant scheme continues to be administered by a body, subject to such arrangements as he may have made with that body, pay the contributions authorised or required by the scheme to be paid by the employer, and in any case in which any relevant scheme continues to be administered by a body but the Secretary of State has been unable to make arrangements with that body and in any other case the Secretary of State may carry out the relevant scheme or arrangements, and in that event the officer shall not as such officer be subject to any provisions of these regulations except those contained in this and the next succeeding regulation:

Provided that this paragraph shall apply only if the person remains without a break of more than a month at any one time an officer in the employment of any employing authority.

(7) Where in respect of any person contributions are paid by the Secretary of State under the foregoing provisions of this regulation or the Secretary of State carries out any such scheme or arrangements as are referred to in those provisions, the employing authority shall deduct from that person's remuneration the amount of any contributions required by the scheme or under the arrangements to be paid by the employee, and shall pay the same to the Secretary of State, together with the like contributions which they would have paid in respect of that person under regulation 8 but for the provisions of this regulation.

(8) Notwithstanding the preceding provisions of this regulation, where a person—

(*a*) in consequence of a request made by him to the Secretary of State under this regulation or the corresponding provision of the previous regulations has remained subject to the scheme or other arrangements for the provision of superannuation benefits applicable to him before he became an officer; and

(*b*) after having become entitled to a benefit under any such scheme or arrangements as aforesaid enters employment in which he is an officer,

then, if in that employment—

(i) he cannot become entitled to any further benefit under such scheme or other arrangements as aforesaid; and

(ii) the benefit to which he has become entitled is liable to be reduced or suspended in consequence of his having entered the employment in which he is an officer,

this part of these regulations shall apply to him in that employment as if he had not elected to remain subject to the scheme or other arrangements as aforesaid.

Supplementary payments in the case of certain officers

47.—(1) The provisions of this regulation shall apply in the case of any person who, on being transferred under the Act, or in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner, became an officer, and who had been engaged, for not less than ten years prior to his becoming an officer, in employment solely or mainly at or for the purposes of premises which have been transferred to or acquired by the Secretary of State under the Act:

Provided that if he left any such employment as aforesaid in order to undertake war service or immediately after leaving that employment became engaged in national service and within six months after the termination of that service returned to any such employment as aforesaid, the period of that service shall be treated as if it were such employment as aforesaid.

(2) If any person to whom this regulation applies (not being a person to whom the last preceding regulation applies) was not, immediately before becoming an officer, participating in superannuation benefits, or was so participating otherwise than under the Act of 1909, the Act of 1937 or any local Act scheme, and if on the nineteenth day of March, 1946 (or such later date as the Secretary of State may have determined in the case of a person who became an officer on the acquisition of premises by the Secretary of State as aforesaid), and immediately before becoming an officer, he had reasonable expectations that on his retirement from his employment or on his death superannuation benefits would become payable to or in respect of him, then, unless those benefits were secured to him as such participant as aforesaid, and on becoming an officer he received some benefit on account thereof, if he—

(*a*) holds without a break of more than twelve months at any one time any of the following employments:—

(i) employment as an officer of any employing authority; or

(ii) employment as a person to whom paragraph (1) of regulation 21 of the Local Government Regulations, 1954, or paragraph (1) of regulation 22 of those regulations applies; or

(iii) in the case of a person who has entered employment in which he is a participant in a superannuation scheme in Northern Ireland or the Isle of Man approved by the Secretary of State under paragraph (1) of regulation 76 in respect of whom the Secretary of State has paid a sum under that paragraph, employment in the health service of Northern Ireland or the Isle of Man, or pensionable employment on the medical, dental or nursing staff of a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946; and

(*b*) in the case of a person who became an officer before the date of coming into operation of the 1955 regulations, had before that date remained without a break of more than twelve months at any one time a person in any such employment as aforesaid or has remained since that date in the employment in which he was a person to whom Part III or Part IV of the 1950 regulations or Part III or Part IV of the 1948 regulations applied,

the Secretary of State, with the approval of the Treasury, on his ceasing to be employed or on his death, may make such payments, supplementary to

any superannuation benefits which may become payable to or in respect of him, as the Secretary of State considers equitable, having regard to the fact that in the calculation of those superannuation benefits account is not taken of any such employment before he became an officer.

(3) If any person to whom this regulation applies, being also a person to whom the last preceding regulation applies, had, on the nineteenth day of March, 1946 (or such later date as the Secretary of State may have determined in the case of a person who became an officer on the acquisition of premises by the Secretary of State as aforesaid), and immediately before becoming an officer, reasonable expectations that on his retirement from his employment or on his death superannuation benefits, in addition to those secured to him as a participant in any such scheme as is mentioned in the last preceding regulation, would become payable to or in respect of him, then, if he remains, and in the case of a person who became an officer before the date of coming into operation of these regulations has remained, without a break of more than twelve months at any one time, an officer in the employment of any employing authority, the Secretary of State, on his ceasing to be employed or on his death, may make such payments, supplementary to any superannuation benefits which may become payable to or in respect of him, as the Treasury may approve in respect of such expectations as aforesaid.

(4) For the purposes of the last two preceding paragraphs, a person shall not be treated as having had a break in employment of more than twelve months if—

(*a*) he left employment as an officer in order to undertake war service and returned to employment as an officer within six months after the termination of that service; or

(*b*) he left employment as an officer, immediately thereafter became engaged in national service and returned to employment as an officer within six months after the termination of that service; or

(*c*) he left employment as an officer in order to enter an approved course of study or training and re-entered employment as an officer without having had a break of more than twelve months since leaving his previous employment (no account being taken of the period of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course; or

(*d*) he left employment as an officer and—

(i) immediately thereafter became engaged in national service;

(ii) on the termination of that service entered an approved course of study or training; and

(iii) re-entered employment as an officer within six months after the termination of his national service (no account being taken of the period of the said course of study or training).

(5) An officer shall not be entitled to have his case considered under this regulation unless within three months after the date on which he became an officer, or such longer period as the Secretary of State may in any particular case allow, he furnished the employing authority with a written application for the purpose, and furnished the employing authority or the Secretary of State with such relevant information as may have been required.

Discretionary payments in respect of certain officers

48.—(1) Where by virtue of an option exercised, or which is treated as having been exercised, under these regulations or the previous regulations an officer is, at the time when he ceases to be employed as an officer, entitled to enjoy rights corresponding with those which he would have enjoyed if he had remained subject to the provisions of—

(*a*) the Superannuation Acts; or

(*b*) the Act of 1909; or

(*c*) the Act of 1937,

(whichever of the said enactments or series of enactments was previously applicable in his case) the Secretary of State may, with the approval of the Treasury, on the officer's so ceasing to be employed make such payments to or in respect of him as are referred to in the next succeeding paragraph of this regulation.

(2) The payments to which the last preceding paragraph refers are—

(*a*) in the case of a person entitled to rights corresponding with the rights which he would have enjoyed if he had remained subject to the Superannuation Acts, a gratuity on his death corresponding with the gratuity which the Treasury would have paid under sub-section (3) of section 39 of the Superannuation Act, 1949 (which relates to payment of gratuities in relation to employment in an unestablished capacity), if he had remained subject to the Superannuation Acts;

(*b*) in the case of a woman entitled to rights corresponding with the rights which she would have enjoyed if she had remained subject to the Superannuation Acts, a gratuity to her on her marriage of such amount as the Treasury would have granted if she had remained subject to the Superannuation Acts;

(*c*) in the case of a person entitled to rights corresponding with the rights which he would have enjoyed if he had remained subject to the Act of 1909, payments corresponding with any discretionary payments (additional to any payments to which the person would have been entitled as of right in respect of benefits conferred by the Act of 1909) which the Secretary of State considers would have been made to or in respect of the person if the person had remained subject to the Act of 1909; and

(*d*) in the case of a person to whom section 16 of the Act of 1937 (which relates to the age of retirement of female nurses and certain other females) applied before she became an officer and who is entitled to rights corresponding with those which she would have enjoyed if she had remained subject to the Act of 1937 as originally enacted, a payment equal to any superannuation contributions paid by her under section 6 of the Act of 1937 (which provides for the payment of contributions by contributory employees) in respect of any period after she attained the age of sixty years.

(3) Where a person who, on being transferred under the Act, or in consequence of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner, became an officer and immediately before becoming an officer was a person employed in an unestablished capacity within the meaning of the Superannuation Acts then, if on or after his ceasing to be employed as an officer—

(*a*) a benefit is payable to or in respect of him under these regulations but the amount (or, if that benefit is a periodical sum, the capital value) of that benefit after deducting the amount of the officer's contributions

is less than the amount of the gratuity which the Treasury would have paid to or in respect of him under subsection (1) or subsection (2) or subsection (2A) of section 39 of the Superannuation Act, 1949 (or under those subsections as applied by section 40 of that Act), if the period of his employment as an officer had been a period of employment in an unestablished capacity within the meaning of the Superannuation Acts; or

(*b*) no benefit (other than a return of contributions) is payable to or in respect of him under these regulations,

the Secretary of State, with the approval of the Treasury, may pay to or in respect of him an amount equal to the gratuity which the Treasury would have paid to or in respect of him under the aforesaid provisions of the Superannuation Act, 1949, if the period of his employment as an officer had been a period of employment in an unestablished capacity within the meaning of the Superannuation Acts:

Provided that in cases where a benefit, other than a return of contributions, is or may become payable to or in respect of a person (otherwise than by virtue of this paragraph), under these regulations there shall be deducted from the aforesaid amount a sum equal to the difference between the amount of the officer's contributions and the amount or, as the case may be, the capital value, of that benefit.

Benefits in case of late entrants

49. Where a person who has become an officer after attaining the age of thirty-five years is not entitled to reckon any previous employment as service, the Secretary of State may, if satisfied that there are exceptional reasons for so doing, within six months after the person's becoming an officer, direct that the length of his service as such officer shall for the purposes of determining whether he is entitled to any benefit under these regulations and of calculating any such benefit be treated as eight fifths of the actual length thereof:

Provided that—

(*a*) no account shall be taken of the service before attaining the age of forty years of an officer in respect of whom a direction is given; and

(*b*) notwithstanding the direction, this regulation shall not have effect so as to prevent or reduce any benefit under these regulations which might have been granted had the direction not been given.

Holders of joint appointments

50. Where one of the holders of a joint appointment under an employing authority ceases to hold his appointment, and the appointment of the other is thereby determined, then that other, if he is an officer to whom this part of these regulations applies, and has either attained the age of fifty years and completed ten years' service, or has completed twenty years' service, shall be entitled to receive a pension and retiring allowance, calculated in accordance with the provisions of regulation 11:

Provided that this regulation shall not apply in any case where a joint appointment is determined in consequence of the misconduct of one of the holders thereof.

Modification of benefits and obligations under these regulations in connection with the National Insurance Act, 1946

51.—(1) Subject to regulation 44 and paragraphs (4) to (9) of this regulation, the provisions of these regulations shall apply in relation to every officer, subject to the modifications contained in paragraph (2) of this regulation, and in relation to every person in receipt of a pension under these regulations, subject to the modifications contained in paragraph (3).

(2) The amount of the contributions to be paid by an officer under regulation 9 shall be reduced at the rate of three pounds and eight pence per annum in the case of a man and of a woman who is a nurse, mental health officer, physiotherapist, midwife or health visitor, and at the rate of three pounds and five shillings per annum in the case of any other woman, and the amount of the contributions to be paid in respect of the officer by the employing authority shall be reduced at the like rate :

Provided that—

(*a*) in the case of a mental health officer who by virtue of regulation 8 is entitled to reckon any year of contributing service as such officer as if it were two years, the amount of the reduction for that year shall be doubled ; and

(*b*) in the case of an officer who is a self-employed person within the meaning of the National Insurance Act, 1946, the amount by which his contributions are to be reduced shall be doubled, and the employing authority's contributions shall not be reduced.

(3) As from the date on which an officer becomes entitled to a pension under these regulations, or, if on becoming entitled to such pension he has not reached pensionable age within the meaning of the National Insurance Act, 1946, as from the date on which he reaches that age, the pension shall be reduced—

(*a*) if he became an officer within twelve months after leaving employment in relation to which he was subject to the Teachers Superannuation Regulations as a person in first class service, the Act of 1937, a local Act scheme or the Act of 1909, as modified by regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, (which relates to the modification of pension schemes in consequence of the passing of that Act), or if he left that employment in order to undertake war service or if immediately after leaving that employment he became engaged in national service, within six months after the termination of that service, and remained an officer until becoming entitled to a pension, without any break of more than twelve months during no part of which he was a contributory employee, local Act contributor, established civil servant or a person in first class service under the Teachers Superannuation Regulations, and if by virtue of the said regulations or regulations made under section 1 of the Act of 1953 (which authorises regulations to be made as to superannuation benefits for persons who are or have been contributory employees) or a local Act scheme any superannuation allowance to which he might have become entitled under the enactment or scheme to which he was subject as aforesaid would have been reduced by reference to his age at the material date—

(i) by the annual sum shown in the appropriate column of the relative table set out in the fourth schedule in relation to an age which corresponds with his age at the material date, for each year of contributing service on and after that date or in respect of which he paid reduced contributions under a scheme (hereinafter called a

"pre-existing scheme") made under subsection (3) of section 28 of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 (which conferred a power to modify existing superannuation schemes), or the corresponding provisions of any Act repealed by that Act; and

(ii) by one-half of the said annual sum for each year of non-contributing service on and after the said date;

(*b*) if, not being such a person as aforesaid, he became an officer in consequence of the acquisition of premises by the Secretary of State, either by purchase under section 57 of the Act or in any other manner, before the date of coming into operation of these regulations, or was such a person as is mentioned in paragraph (9) of this regulation, and remained an officer without any break of more than twelve months during no part of which he was a contributory employee, a local Act contributor, established civil servant or a person in first class service under the Teachers Superannuation Regulations—

(i) by the annual sum shown in the appropriate column of the relative table set out in the fourth schedule in relation to an age which corresponds with his age at the appointed day or at the date on which he became an officer, whichever was the later, for each year of contributing service on and after the appointed day, or on and after the date on which he became an officer, whichever was the later; and

(ii) by one-half of the said annual sum for each year of non-contributing service on and after the said date; and

(*c*) in any other case, by the sum of one pound and fourteen shillings per annum for each year of contributing service on and after the appointed day and by the sum of seventeen shillings for each year of non-contributing service on and after that day:

Provided that—

(i) for the purposes of sub-paragraph (*a*) of this paragraph, any period of service as an officer of an employing authority prior to the appointed day shall be disregarded;

(ii) for the purpose of calculating the amount of any reduction under this paragraph, where a pension is by virtue of the proviso to paragraph (1) of regulation 11 at the rate of twenty eightieths of an officer's average remuneration, he shall be treated as having reckonable as contributing service in calculating the amount of the pension, and as having paid reduced contributions in respect of, an additional period equal to the difference between the aggregate period of his contributing and non-contributing service (non-contributing service being reckoned in calculating that period at half its actual length) and twenty years; and where a pension is by virtue of the proviso to paragraph (1) of regulation 11 increased by reference to service which the officer could have completed, that service shall be reckonable as contributing service after the relevant date;

(iii) if a person, having paid reduced contributions for any period under a pre-existing scheme has, under that scheme, paid a sum representing the difference between those reduced contributions and the sum he would have contributed had his contributions not been reduced, his service during that period shall not for the purposes

of sub-paragraph (*a*) of this paragraph be treated as service in respect of which reduced contributions were paid;

(iv) if by virtue of regulation 19, as extended by paragraph (*b*) of regulation 21, or paragraph (5) or (6) of regulation 76 or sub-paragraph (*d*) of paragraph (2) of regulation 77, a person is entitled to reckon any prior period of employment or any period of war service or national service for the purpose of calculating the pension to which he has become entitled, then, if the period so reckonable was a period during which he paid contributions at an unreduced rate, his pension, in so far as it falls to be calculated by reference to that service, shall not be reduced under the provisions of this regulation; and

(v) the total amount of the reduction shall in no case exceed sixty-seven pounds and fifteen shillings per annum.

(4) In the case of an officer who on completing forty-five years' contributing service, or forty-five years' contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, would, if he then ceased to be employed, be entitled to a pension, any further service shall be disregarded for the purposes of paragraph (3) of this regulation, if that paragraph subsequently becomes applicable in relation to him.

(5) Paragraph (1) of this regulation shall not apply in the case of any person who, under paragraph (*a*) of subsection (3) of section 71 of the National Insurance Act, 1946 (which contains transitional provisions as to certain classes of persons), is deemed to attain pensionable age within the meaning of that Act on the expiration of ten years from the appointed day for the purposes of that section.

(6) Where a person is an officer in the part-time employment of two or more employing authorities, paragraph (1) of this regulation shall apply in relation to him only in his employment under that employing authority which is treated as his employer for the purposes of the National Insurance Act, 1946.

(7) Where an officer in the part-time employment of one or more employing authorities is employed also in other employment in which he is not entitled to participate in superannuation benefits provided by these regulations, and his employer in that other employment is treated as his employer for the purposes of the National Insurance Act, 1946, paragraph (1) of this regulation shall not apply, and in the event of his subsequently becoming an officer to whom that paragraph applies, no account shall be taken for the purposes of paragraph (3) hereof of his service during the period in which this paragraph applied to him.

(8) Where a person has become an officer—

(*a*) within twelve months after leaving employment in relation to which he was an established civil servant, a person in first class service under the Teachers Superannuation Regulations, a contributory employee, a local Act contributor or a person subject to the Act of 1909, or, if he left that employment in order to undertake war service or if immediately after leaving that employment he became engaged in national service within six months after the termination of that service; and

(*b*) was in that employment insured or deemed to be insured under the National Health Insurance Acts, 1936 to 1938, as amended by the National Health Insurance Contributory Pensions and Workmen's Compensation Act, 1941, or the Widows', Orphans' and Old Age Contributory

Pensions Act, 1936, or an insured person for the purposes of the National Insurance Act, 1946; and

(*c*) was excepted from the provisions of any regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, modifying the Superannuation Acts, the Education (Scotland) Act, 1946, the Teachers Superannuation Regulations, the Act of 1937, a local Act scheme or the Act of 1909,

paragraph (1) of this regulation shall not apply in relation to that person in any employment in which he is an officer if, since he first became an officer, there has been no period of more than twelve months throughout which he was not an officer of an employing authority, an established civil servant, a contributory employee, a local Act contributor or a person in first class service under the Teachers Superannuation Regulations:

Provided that if in the employment he has left he was an established civil servant, and if he gave notice in writing to his employing authority within three months after the day on which he became an officer or the appointed day, if he became an officer before that day, that he wished paragraph (1) of this regulation, or the corresponding provision of any of the previous regulations, to apply to him, paragraph (1) of this regulation shall apply in relation to him as from the first day of the month or, in the case of a person in receipt of weekly remuneration, the first day of the week, next following the month or week, as the case may be, in which notice was given, or, in the case of a person who became an officer before the date of coming into operation of these regulations, as from that date.

(9) Where a person was an officer on the appointed day, or where a person was on war service or national service on the appointed day and became an officer within six months after the termination of that service, not being in either case a person who had elected that the provisions of any regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, modifying the Education (Scotland) Act, 1946, the Teachers Superannuation Regulations, the Act of 1937, any local Act scheme or the Act of 1909, should apply to him in relation to any previous employment in which he was subject to any such enactment or scheme, or had had an opportunity of so electing during a period which had expired, then, unless he gave notice in writing to his employing authority within three months after the appointed day or the date of his becoming an officer, as the case may be, that he wished paragraph (1) of regulation 30 of the 1948 regulations to apply in his case, paragraph (1) of this regulation shall not apply in relation to him, if he has remained and continues to remain an officer without any break of more than twelve months during no part of which he was an established civil servant, a person in first class service under the Teachers Superannuation Regulations, a contributory employee or local Act contributor.

(10) If during any period an officer has not paid contributions under these regulations by reason of the fact that the amount of the reduction in his contributions provided for by this regulation equalled or exceeded the amount of his contributions, he shall nevertheless be deemed for the purposes of sub-paragraph (*a*) of paragraph (1) of regulation 30, to have made the contributions required by these regulations in respect of that period.

(11) Where a person becomes or has since the thirty-first day of July, 1949, become an officer within twelve months after leaving such employment as is mentioned in head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19, or, if he left that employment in order to undertake war service

or if immediately after leaving that employment he became engaged in national service, within six months after the termination of that service, and in that employment he was an insured person within the meaning of the National Insurance Act, 1946, or any corresponding enactment in force in the part of Her Majesty's dominions in which he was employed, then—

(*a*) if he had been excepted from the operation of any provision (hereinafter called "the modification provision") of the scheme to which he was subject modifying the benefits provided by the scheme in relation to any such insured person as aforesaid, paragraph (1) of this regulation shall not apply in relation to him so long as he is an officer without a break of more than twelve months at any one time, reckoned from the time when he left the employment of an employing authority, (no account being taken of any period spent on an approved course of study or training which he entered after leaving that employment); and

(*b*) if he had not been so excepted—

(i) the provisions of this regulation shall apply to him as if any service which he is entitled to reckon under these regulations, being service of which account would have been taken under the modification provision for the purpose of reducing any benefit to which the person might have become entitled under the said scheme had he continued to be subject thereto, were contributing service rendered on or after the appointed day; and

(ii) if the modification provision modified any benefit to which he might have become entitled under the said scheme by reference to a table and to his age at a given date, this regulation shall have effect as if he were a person to whom sub-paragraph (*b*) of paragraph (3) hereof applied, except that the reference therein to his age at a given date shall be construed as a reference to his age at the date which was relevant for the purposes of the modification provision:

Provided that head (ii) of sub-paragraph (*b*) of this paragraph shall not apply to any person unless the modification provision, or any corresponding provision modifying the benefits provided by any superannuation scheme to which he was formerly subject in employment which was reckonable as service for the purposes of the scheme applicable to him in such employment as is mentioned in head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19, applied to him on or before the appointed day.

(12) For the purposes of sub-paragraphs (*a*) and (*b*) of paragraph (3) of this regulation and of paragraphs (8) and (9) of this regulation a person shall not be treated as having had such a break as is therein mentioned if—

(*a*) he ceased at any time to be an officer, a contributory employee, a local Act contributor, an established civil servant or a person in first class service under the Teachers Superannuation Regulations as is mentioned in sub-paragraph (*c*) of paragraph (3) of regulation 19, in order to undertake war service and re-entered employment in one of those capacities within six months after the termination of that service; or

(*b*) he ceased at any time to be an officer, a contributory employee, a local Act contributor, an established civil servant or such a person in first class service under the Teachers Superannuation Regulations as aforesaid, immediately after so ceasing became engaged in national service, and re-entered employment in one of those capacities within six months after the termination of that service; or

(*c*) he ceased at any time to be an officer in order to enter an approved course of study or training and re-entered employment as an officer without having had a break of more than twelve months since leaving his previous employment (no account being taken of the period of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course ; or

(*d*) he ceased at any time to be an officer and—

(i) immediately thereafter became engaged in national service ;

(ii) on the termination of that service entered an approved course of study or training ; and

(iii) re-entered employment as an officer within six months after the termination of his national service (no account being taken of the period of the said course of study or training).

(13) In this regulation—

(*a*) " the material date " means—

(i) in relation to a person to whom sub-paragraph (*a*) of paragraph (3) of this regulation applies (other than a person who was subject to the provisions relating to modification of retirement benefits contained in the Local Government Regulations, 1954, or who was subject to corresponding provisions contained in a local Act scheme), the date on which regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, first applied to him ; and

(ii) in relation to a person to whom sub-paragraph (*a*) of paragraph (3) of this regulation applies and who was subject to the said provisions in the Local Government Regulations, 1954, or corresponding provisions contained in a local Act scheme, the material date as defined in sub-paragraph (1) of paragraph 1 of the third schedule to the Local Government Regulations, 1954, or, as the case may be, the corresponding date prescribed by the relevant local Act scheme ; and

(*b*) " superannuation allowance " includes a retirement benefit as defined in regulation 24 of the Local Government Regulations, 1954, and any corresponding benefit under a local Act scheme.

Avoidance of duplicate benefits

52. If the Secretary of State is of opinion that any service in respect of which a benefit is payable under these regulations has been or will be taken into account for the purpose of any other benefit which has or may become payable out of public funds, the Secretary of State may make such deduction from the benefit under these regulations as may appear to him to be equitable, in order to secure that there may not be payable in respect of the same service a benefit under these regulations as well as such other benefit as aforesaid.

Benefits not assignable

53. Subject to any statutory provision in that behalf a pension or other benefit to which an officer, or the spouse or dependant of an officer, becomes entitled under these regulations shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable or chargeable with his debts or other liabilities.

Forfeiture of rights

54. An officer who is dismissed, resigns or otherwise ceases to hold his employment in consequence of an offence of a fraudulent character or of grave misconduct, being such an offence or such misconduct committed by him in connection with the performance of the duties of his employment or otherwise in relation to his employment, or who commits such an offence or such misconduct after notice to terminate his employment has been given shall, if the Secretary of State so directs, forfeit all claim in respect of his previous service to any superannuation benefits, whether provided under these regulations or under any enactment or scheme modified by these regulations.

Special provisions relating to persons who served in hospitals provided by the Secretary of State under section 50 of the Civil Defence Act, 1939

55. An employee of an employing authority, who immediately before becoming such an employee was employed at or for the purposes of any hospital provided by the Secretary of State under section 50 of the Civil Defence Act, 1939, shall be deemed for the purposes of these regulations, or the previous regulations to have been transferred under the Act to the employment of an employing authority.

Application to officers in State hospitals

56. These regulations shall apply to a person employed on the staff of hospitals provided or deemed to be provided by the Secretary of State under Part VII of the Mental Health (Scotland) Act, 1960, as if the Secretary of State were an employing authority and in the case of a person transferred or who was deemed to have been transferred under the Act, as if he had been transferred under the Act to the employment of an employing authority at the date on which he was so transferred or was deemed to have been so transferred and as if his former employment had been employment under an authority or body from which functions were transferred by the Act, and the Superannuation Acts shall not apply to any such person.

Application to other officers engaged in health services

57. If the Secretary of State so directs, these regulations shall also apply, with any modifications or adaptations which the Secretary of State considers necessary or desirable, to any other person who would be an officer if he were in the employment of an employing authority and who is wholly or mainly engaged in health services, whether provided under the Act or otherwise, but not provided by a local health authority or other local authority, as if the person's employer were an employing authority, and the Superannuation Acts, if otherwise applicable, shall not apply or shall cease to apply to any person in respect of whom a direction is given.

Accounts and actuarial investigations

58.—(1) The Secretary of State shall keep an account in such form and prepared in such manner as the Treasury may approve of all revenue received and expenditure incurred by the Secretary of State under these regulations, and as at the thirty-first day of March, 1962, and at the expiration of every subsequent period of seven years, there shall be an actuarial investigation by the Government Actuary of the assets and liabilities of the

Secretary of State in respect of the benefits provided by the Secretary of State under regulations made under subsection (1) of section 66 of the Act, to determine what adjustments (if any) are needed to maintain a balance between the said assets and liabilities.

(2) There shall be included in the said account such particulars as may be necessary in order that the said account shall show also the revenue that would be received and the expenditure that would be incurred if, whenever any person transferred to or from employment subject to these regulations from or to employment as an established civil servant or as a person in first class service under the Teachers Superannuation Regulations in circumstances in which a transfer value would have been payable under rules made under section 2 of the Act of 1948 or under these regulations to or by the Secretary of State had the person ceased to be or become a contributory employee or local Act contributor, a transfer value were payable to or by the Secretary of State of such amount as the Treasury shall indicate as representing the liability of which the Treasury or the Secretary of State, as the case may be, is relieved as a result of that transfer.

(3) There shall be included also in the said account such particulars as may be necessary in order that the account shall show also the revenue that would be received if, on a person's becoming an officer after having been a contributory employee or local Act contributor, a transfer value were payable to the Secretary of State of such amount as the Treasury shall indicate as representing any liability of which the Secretary of State is relieved in consequence of that person's having become an officer.

(4) The said account shall be subject to examination by the Comptroller and Auditor General.

PART III

MEDICAL AND DENTAL PRACTITIONERS PROVIDING SERVICES UNDER THE ACT

Application of regulations with modifications

59. Subject to the provisions of this part of these regulations, these regulations shall apply to every practitioner, save in so far as he is a person rendering specialist services under section 3 of the Act (which relates to hospital and special services) as if he were an officer in the employment of the Executive Council:

Provided that for the purposes of the provisions of these regulations relating to entitlement to and calculation of benefits, a practitioner, other than a person rendering specialist services under section 3 of the Act, who is simultaneously on the list of more than one Executive Council shall be deemed to be in the employment of a single Executive Council and shall be deemed to continue to be employed so long as he is on the list of at least one Executive Council, and any reference in the aforesaid provisions to an officer's ceasing to be employed by an employing authority shall be construed accordingly.

Amendment of certain references to age

60.—(1) For paragraph (4) of regulation 9 there shall be substituted the following paragraph, namely—

"(4) The reference in paragraph (1) of this regulation in the definition of "service" contained in paragraph (2) of regulation 2 and in paragraph (1) of regulation 35 to an officer mentioned in this paragraph is a reference to a medical practitioner or dental practitioner on the list of

an Executive Council or an assistant practitioner who has attained the age of sixty-five years or such later age as the Secretary of State may in any particular case allow."

(2) In relation to a medical practitioner or dental practitioner on the list of an Executive Council or an assistant practitioner for sub-paragraphs (*a*) and (*b*) of paragraph (2) of regulation 14, there shall be substituted the following provision, namely—

" the age of sixty-five years or such later age as the Secretary of State may in any particular case allow."

(3) In relation to a medical practitioner or dental practitioner on the list of an Executive Council or an assistant practitioner for the reference in proviso (ii) to paragraph (1) of regulation 16 to the age of sixty-five years or in the case of a mental health officer the age of sixty years, there shall be substituted a reference to the age of sixty-five years or such later age as the Secretary of State may in any particular case allow.

(4) For sub-paragraph (3) of paragraph 9 of the first schedule, there shall be substituted the following provision, namely—

" (3) The reference in sub-paragraph (1) of this paragraph to an officer mentioned in this paragraph is a reference to a medical practitioner or dental practitioner on the list of an Executive Council or an assistant practitioner who has attained the age of sixty-five years or such later age as the Secretary of State may in any particular case allow."

Meaning of " remuneration "

61.—(1) The following provisions of this regulation shall apply in the case of a practitioner other than an assistant practitioner in place of the definition of " remuneration " contained in paragraph (2) of regulation 2.

(2) In the case of a practitioner other than an assistant practitioner, " remuneration " means all payments made by an Executive Council to the practitioner in respect of general medical services or general dental services provided by him and of pharmaceutical services provided by him, and any charge made to a patient in respect of those services which the practitioner is authorised by or under any enactment to retain, less such sum on account of practice expenses as may be appropriate in accordance with a formula laid down by the Secretary of State for the purpose, and less the remuneration approved by the Secretary of State of any assistant practitioner in his employment:

Provided that—

(*a*) if the practitioner is a dental practitioner and is a party with any other practitioner or practitioners to a partnership agreement then, if such practitioners give notice in writing to the Executive Council by whom they wish action to be taken under this proviso stating that for the purposes of these regulations they wish their total remuneration to be allocated between them in the manner provided by this proviso, their total remuneration as practitioners on the list of that Council shall, for the purposes of these regulations and in respect of a period during which the notice is effective, be allocated between them on the basis of their shares in the partnership profits and accordingly in respect of any such period as aforesaid the remuneration of each of them shall be deemed to be such proportion of the total remuneration of such practitioners as the proportion of his share in the partnership profits bears to the total proportion of the shares of such practitioners in those profits ;

(*b*) if the practitioner is a medical practitioner and is a party with any other practitioner or practitioners to a partnership agreement then—

(i) if such practitioners give notice in writing to the responsible Council stating that for the purposes of these regulations they wish their total remuneration to be allocated between them in the manner provided by this paragraph of this proviso, their total remuneration as practitioners on the list of that Council and of any other Executive Council on whose list the name of one or more members of the partnership is included shall, for the purposes of these regulations and in respect of a period during which the notice is effective, be allocated between them on the basis of their shares in the partnership profits and accordingly in respect of any such period as aforesaid the remuneration of each of them shall be deemed to be such proportion of the total remuneration of such practitioners as the proportion of his share in the partnership profits bears to the total proportion of the shares of such practitioners in those profits;

(ii) if such practitioners give notice in writing to the responsible Council stating that for the purposes of these regulations they wish their total remuneration to be allocated between them in the manner provided by this paragraph of this proviso, their total remuneration as practitioners on the list of that Council and of any other Executive Council on whose list the name of one or more members of the partnership is included shall, for the purposes of these regulations and in respect of a period during which the notice is effective, be allocated between them by the responsible Council in such proportions as will ensure that their aggregate superannuable remuneration (as defined in paragraph (8) of this regulation) in respect of that period is, for the purposes of these regulations and so far as is reasonably practicable, divided fairly between them having regard to their shares in the partnership profits; and the sum allocated by the Council to each practitioner shall be deemed to be his remuneration for the purposes of these regulations;

(iii) if such practitioners gave notice to the responsible Council under paragraph (iii) of proviso (*b*) to paragraph (2) of regulation 61 of the 1955 regulations that they wished that paragraph of the proviso to apply in their case, then so long as the notice remains effective they shall be treated for the purposes of this paragraph as if they were not in partnership; and

(iv) except while any notice mentioned in one of the preceding provisions of this proviso is effective the total remuneration of the practitioners as practitioners on the list of the Executive Council and of any other Executive Council on whose list the name of one or more members of the partnership is included shall, for the purposes of these regulations, be allocated between them in equal shares and the share so allocated to each shall be deemed to be his remuneration for the purposes of these regulations;

(*c*) if the practitioner is simultaneously employed as an officer of an employing authority or a local authority or a university or as an

established civil servant, or in any other such employment as the Secretary of State may in any particular case allow and as a term or condition of that employment he is required to account to his employer for any remuneration received by him as a practitioner, that remuneration shall not be treated as remuneration within the meaning of the foregoing definition; and

(*d*) no account shall be taken of any remuneration of a dental practitioner in excess of £3,500 per annum and, in the case of a dental practitioner on the list of more than one Executive Council, in excess of £3,500 per annum of his total remuneration.

(3) A notice given under proviso (*a*) or under paragraph (i) or (ii) of proviso (*b*) to paragraph (2) of this regulation—

(*a*) shall be signed by all the practitioners who are members of the partnership to which it relates, and unless so signed shall be of no effect;

(*b*) shall state as a fraction the share of each practitioner in the partnership profits; and

(*c*) may be cancelled or amended by a subsequent notice signed as aforesaid.

(4) A notice given under paragraph (i) or (ii) of proviso (*b*) to paragraph (2) of this regulation shall also—

(*a*) state the name of every Executive Council on whose list the name of one or more members of the partnership is included; and

(*b*) if it is given under paragraph (ii) of the said proviso—

(i) state in respect of every practitioner who is a member of the partnership and employed by an employing authority other than an Executive Council the name of the employing authority and the remuneration (as defined in paragraph (2) of regulation 2) payable to him by that authority; and

(ii) include an undertaking by the practitioners to give notice in writing to the responsible Council at the end of each quarter stating the remuneration (as defined in paragraph (2) of regulation 2) paid in that quarter by an employing authority other than an Executive Council to any such member of the partnership as is referred to in sub-paragraph (*b*) (i) of this paragraph.

(5) A notice mentioned in paragraph (iii) of proviso (*b*) to paragraph (2) of this regulation may be cancelled by a subsequent notice signed by all the practitioners who are members of the partnership to which it relates.

(6) A notice given under proviso (*a*) or (*b*) to paragraph (2), sub-paragraph (*c*) of paragraph (3), or paragraph (5) of this regulation shall, if it complies with the preceding provisions of this regulation be effective, from such date as may be agreed between the practitioner by whom it was given and the Executive Council or as may, in default of agreement, be determined by the Secretary of State; and any such notice as aforesaid given under proviso (*a*) or proviso (*b*) to paragraph (2) of this regulation shall, so long as the partnership subsists, and subject to any amendment made in accordance with the preceding provisions of this regulation, remain effective until it is cancelled.

(7) Notwithstanding anything in the preceding provisions of this regulation a notice of assent given, or having effect as if given, by practitioners under proviso (*a*) or under paragraph (i) or (ii) of proviso (*b*) to paragraph (2) of

regulation 61 of the 1955 regulations shall have effect from the date of coming into operation of these regulations as if it were a notice given under proviso (*a*) or, as the case may be, under paragraph (i) or (ii) of proviso (*b*) to paragraph (2) of this regulation; and accordingly references in the preceding provisions of this regulation to a notice given under proviso (*a*) or proviso (*b*) of paragraph (2) of this regulation shall be construed as including a reference to any such notice of assent.

(8) In this regulation—

(*a*) "aggregate superannuable remuneration" means the total of:—

(i) all remuneration paid to any member or members of the partnership in respect of employment under an Executive Council; and

(ii) all remuneration (as defined in paragraph (2) of regulation 2) notified by such practitioners to the responsible Council as having been paid to any member or members of the partnership in respect of employment as an officer under any employing authority other than an Executive Council;

(*b*) "quarter" means a period of three months ending 31st March, 30th June, 30th September and 31st December; and

(*c*) "responsible Council" means, in the case of a partnership whose members are on the list of a single Executive Council, that Council, and in the case of a partnership one or more of whose members is on the list of more than one Executive Council, the Council which under the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955, or under those regulations as at any time amended or re-enacted, is responsible for assembling information about the total number of persons on the lists of the practitioner or practitioners concerned.

Amendments with respect to contributions, etc.

62.—(1) Paragraph (5) of regulation 9 shall not apply in the case of a practitioner.

(2) If the practitioner made contributions during any period in accordance with paragraph (6) of regulation 9 or the corresponding provision of the previous regulations the remuneration on which he so made contributions shall be deemed to have been his remuneration in respect of that period.

(3) If a practitioner's remuneration is reduced or suspended by reason of absence due to illness or injury then, except for the purposes of the provisions of these regulations relating to the payment of contributions—

(*a*) if the practitioner is practising in partnership and the total remuneration is allocated under proviso (*a*) or proviso (*b*) to paragraph (2) of regulation 61, the total remuneration of the partners shall be deemed to have remained at the same rate as during the preceding twelve months; or

(*b*) in any other case the practitioner shall be deemed to have continued to receive the same average rate of remuneration as he received during the preceding twelve months:

Provided that if any such reduction or suspension continued for a longer period than twelve months, this paragraph shall apply only in respect of the period of twelve months immediately following the reduction or suspension.

(4) A practitioner to whom the preceding paragraph applies for any period by reason of the suspension of his remuneration shall be deemed for the purposes of sub-paragraph (*a*) of paragraph (1) of regulation 30 to have made

the contributions required by these regulations in respect of that period and regulation 20 shall not apply to such a practitioner until the end of that period.

(5) Where a practitioner has become engaged in national service without having ceased to be a practitioner within the meaning of these regulations and his average rate of remuneration as a practitioner during the period of his national service is less than his average rate of remuneration during the twelve months prior to his having become engaged in national service, he shall be treated for the purposes of these regulations as if during the period of his national service he was receiving such higher average rate of remuneration as aforesaid.

(6) Where a person became engaged in national service after ceasing to be a practitioner within the meaning of these regulations, and the period of his national service falls to be treated as service as a practitioner under these regulations subject to his compliance with the provisions of paragraph (9) of regulation 9, he shall be deemed to have continued to receive during that period the same average rate of remuneration as he received during the twelve months prior to his ceasing to be a practitioner as aforesaid.

Substituted scales of pension and retiring allowance

63. For regulation 11 there shall be substituted the following provision, namely:—

"11.—(1) The pension to be paid to a practitioner shall be on the following scale, that is to say—

(*a*) in respect of each year or part of a year of contributing service as a practitioner, one and one-half per cent. of his remuneration for that year or part of a year;

(*b*) in respect of each year of contributing service otherwise than as a practitioner, one eightieth of his average remuneration at the date on which he last ceased to be employed in such other capacity; and

(*c*) in respect of each year of non-contributing service, one one-hundred-and-sixtieth of his average remuneration at the date on which he last ceased to be employed in such other capacity:

Provided that—

(i) in the case of a practitioner whose contributing service as a practitioner exceeds forty-five years, and who has no service in any other capacity, the pension shall be calculated by reference to the last forty-five years' contributing service;

(ii) in the case of a practitioner whose service includes service in any other capacity, and whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the pension shall be calculated by reference to the last forty-five years' actual service, any non-contributing service within that period being reckoned as contributing service;

(iii) in the case of a practitioner who is entitled to a pension under head (i) of sub-paragraph (*a*) of paragraph (1) of regulation 10, and whose aggregate service in whatever capacity is less than twenty years, any non-contributing service being reckoned at half its actual length, so much of the pension as is payable in respect of service reckonable in employment which he held immediately before he became entitled to the pension, and on ceasing to hold which he became entitled to the pension, shall be an amount obtained by multiplying the amount of the pension which, but for this

proviso would have been payable in respect of the last-mentioned service, by such number of years of service, not exceeding twenty, as he could have completed before attaining the age of sixty-five years or such later age as the Secretary of State may in any particular case allow, any non-contributing service being reckoned as aforesaid, and dividing the product by the number of years of actual service, any non-contributing service being reckoned as aforesaid; and

(iv) in the case of a practitioner whose contributing service includes a period of service as a practitioner during which he devoted substantially the whole of his time to the performance of part-time specialist services under section 3 of the Act, that service shall be treated as service otherwise than as a practitioner if such method of calculation is more advantageous to him.

(2) The retiring allowance to be paid to a practitioner shall be a sum equal to the aggregate of the following amounts, namely:—

(*a*) in respect of each year or part of a year of contributing service as a practitioner, four and one-half per cent. of his remuneration for that year or part of a year;

(*b*) in respect of each year of contributing service otherwise than as a practitioner, three eightieths of his average remuneration at the date on which he last ceased to be employed in such other capacity; and

(*c*) in respect of each year of non-contributing service, three one-hundred-and-sixtieths of his average remuneration at the date on which he last ceased to be employed in such other capacity:

Provided that—

(i) in the case of a married male practitioner in respect of whose service a widow's pension may become payable under these regulations, one and one-half per cent. shall be substituted for four and one-half per cent. in sub-paragraph (*a*) of this paragraph, one eightieth shall be substituted for three eightieths in sub-paragraph (*b*) hereof and one one-hundred-and-sixtieth shall be substituted for three one-hundred-and-sixtieths in sub-paragraph (*c*) hereof;

(ii) in the case of a married male practitioner to whose wife, if she survives him, a widow's pension will not become payable because she is such a person as is mentioned in proviso (iv) to paragraph (1) of regulation 16, the amount of the allowance shall be reduced by two ninths thereof, unless at the time of her marriage to him she was already entitled to a pension under these regulations otherwise than as a practitioner or, being an officer other than a practitioner, had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed;

(iii) in the case of a practitioner entitled to a pension or injury allowance who is a widower or who is divorced or judicially separated from his wife and who satisfies the description contained in paragraph (5) of this regulation, one and one-half per cent. shall be substituted for four and one-half per cent. in sub-paragraph (*a*) of this paragraph in relation to each year or part of a year of contributing service as a practitioner before the date of his wife's death or the divorce or separation, as the case may be,

one eightieth shall be substituted for three eightieths in sub-paragraph (*b*) hereof in relation to each year of contributing service otherwise than as a practitioner before the said date, and one one-hundred-and-sixtieth shall be substituted for three one-hundred-and-sixtieths in sub-paragraph (*c*) hereof in relation to each year of non-contributing service before the said date;

(iv) in the case of a practitioner whose contributing service as a practitioner exceeds forty-five years, and who has no service in any other capacity, the sum to be calculated under the foregoing provisions of this paragraph shall be calculated by reference to the last forty-five years' contributing service;

(v) in the case of a practitioner whose service includes service in any other capacity, and whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the amount of the allowance shall be calculated by reference to the last forty-five years' actual service, any non-contributing service within that period being reckoned as contributing service;

(vi) in the case of a practitioner whose contributing service includes a period of service as a practitioner during which he devoted substantially the whole of his time to the performance of part-time specialist services under section 3 of the Act, that service shall be treated as service otherwise than as a practitioner if such method of calculation is more advantageous to him; and

(vii) in the case of a practitioner to whom no pension is payable, if the amount of the allowance, calculated as aforesaid, is less than the amount of his contributions, together with compound interest thereon, the allowance shall be increased by the amount of the deficiency.

(3) Where a retiring allowance paid to a practitioner has been calculated in accordance with the provisions of proviso (i) to the last preceding paragraph or the corresponding provisions as modified and set out in relation to a practitioner in the previous regulations and the practitioner's wife has become such a person as is mentioned in proviso (iv) to paragraph (1) of regulation 16, there shall be paid to the practitioner a sum equal to two thirds of the difference between the amount of the retiring allowance so paid to him and the amount of the retiring allowance which would have been paid to him had he not been a person to whom the said provisions applied.

(4) Where a practitioner has become entitled to a retiring allowance and the amount of such allowance, together with the capital value of any pension to which he may also have become entitled, is less than the amount of his average remuneration, then, if he requests the Secretary of State in writing to apply this provision in his case, the Secretary of State may either increase the amount of the retiring allowance by the amount of the capital value of the death gratuity and of any widow's pension which would apart from this provision become payable on his death or increase the amount of any such pension as aforesaid by an equivalent annual sum, and if the Secretary of State exercises this discretion, no death gratuity or widow's pension shall be payable in respect of him.

(5) A practitioner to whom proviso (iii) to paragraph (2) of this regulation refers is a practitioner (other than a practitioner who married in

such circumstances that his wife could not become entitled to a widow's pension by reason of proviso (ii) to paragraph (1) of regulation 16 or the corresponding provision of the previous regulations) whose wife died or was divorced or judicially separated from him—

(*a*) on or after the date on which he first became subject to these regulations or the previous regulations in whatever capacity;

(*b*) while he was subject to a superannuation scheme the service reckonable in which is reckonable by him for the purposes of these regulations, and which provided a widow's pension as one of its benefits; or

(*c*) during the period between his leaving employment in which he was subject to any such scheme as is mentioned in the last preceding subparagraph and his entry into employment in which he became subject to these regulations or the previous regulations as aforesaid."

Amount of death gratuity, short service gratuity, etc.

64.—(1) If a death gratuity becomes payable in respect of a practitioner, then, for the reference in regulation 15 to a sum to be calculated by reference to a fraction of a person's average remuneration in respect of each year of service, there shall be substituted a reference to a sum obtained by the addition of the following amounts, namely:—

(*a*) in respect of each year or part of a year of contributing service as a practitioner, four and one-half per cent. of his remuneration for that year or part of a year, or, if a widow's pension is payable under these regulations in respect of his death, one and one-half per cent. thereof;

(*b*) in respect of each year of contributing service otherwise than as a practitioner, three eightieths of his average remuneration at the date on which he last ceased to be employed otherwise than as a practitioner, or, if a widow's pension is payable as aforesaid, one eightieth thereof; and

(*c*) in respect of each year of non-contributing service, three one-hundred-and-sixtieths of his average remuneration at the said date, or, if a widow's pension is payable as aforesaid, one one-hundred-and-sixtieth thereof:

Provided that—

(i) in the case of a practitioner whose contributing service as a practitioner exceeds forty-five years, and who has no service in any other capacity, the said sum shall be calculated by reference to the last forty-five years' contributing service; and

(ii) in the case of a practitioner whose service includes service in any other capacity, and whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the sum shall be obtained by reference to the last forty-five years' actual service, any non-contributing service within that period being reckoned as contributing service.

(2) For the purposes of—

(*a*) regulation 13;

(*b*) regulation 15; and

(*c*) paragraph (4) of regulation 11 as substituted by regulation 63,

the average remuneration of a dental practitioner whose service as such practitioner exceeds three years shall be calculated by reference to all periods of service as such practitioner.

Treatment of prior service as an officer in certain cases

65. Where a practitioner has previously been an officer by virtue of Part II of these regulations or the corresponding Part of the previous regulations not having been a practitioner prior to becoming such officer, and his service otherwise than as a practitioner, any non-contributing service being reckoned at half its actual length, does not exceed ten years, such service shall be treated for the purposes of these regulations as if it were contributing service as a practitioner, any non-contributing service being reckoned as aforesaid, and remuneration received in respect of that non-contributing service being reckoned at half its actual amount.

Simultaneous employment as a part-time officer of an employing authority and as a practitioner

66.—(1) Where a practitioner is simultaneously employed as a part-time officer of an employing authority, these regulations shall apply in relation to him as if in such employment he were a practitioner, and as if the remuneration of that employment were his remuneration as such practitioner:

Provided that in his employment as a part-time officer of an employing authority he shall not, for the purposes of the proviso to regulation 59, be deemed to be in the employment of an Executive Council.

(2) Proviso (iii) to paragraph (1) of regulation 4 shall not apply in the case of a practitioner.

Treatment of national service in certain cases

67. If a practitioner has undertaken national service and that service is reckonable as a period of service under these regulations by virtue of paragraph (2) of regulation 23 such service shall be treated as if it were service as a practitioner.

Reckoning of practitioner's service for purpose of calculation of benefits

68.—(1) Paragraph (*c*) of regulation 34 shall not apply in the case of service as a practitioner.

(2) If a practitioner's contributing service, after deducting all completed years of such service, includes a fraction of a year, that fraction shall for all the purposes of these regulations (except the provisions of sub-paragraph (*a*) and sub-paragraph (*c*) of paragraphs (3) and (4) of regulation 11, proviso (iii) to paragraph (4) of regulation 11, part (*iii*) of proviso (ii) to regulation 15, paragraphs (1) and (2) of regulation 11 as substituted by regulation 63 and sub-paragraph (*a*) of paragraph (1) of regulation 64), if it exceeds six months, be treated as a year, and in any other case be disregarded.

(3) The proviso to regulation 34 shall apply for the purpose of calculating the amount of any benefit payable to or in respect of a practitioner only in relation to so much of that benefit as is attributable to service reckonable otherwise than as a practitioner.

(4) There shall be reckonable for the purpose of calculating the amount of a benefit payable to or in respect of a practitioner under these regulations not only all periods of contributing and non-contributing service reckonable as service in relation to the employment which he has ceased to hold, but also all periods of contributing and non-contributing service not otherwise reckonable—

(*a*) which were reckonable on his ceasing to hold any previous employment in which he was, or was deemed to be, a practitioner;

(*b*) which have not previously been taken into account for the purpose of calculating any benefits payable under these regulations; and

(*c*) which have not ceased (in consequence of a payment made in respect of him under paragraph (1) of regulation 76 or under regulation 80 or by reason of his having ceased to be employed for a period of twelve months or more during no part of which he was, or was treated as if he were, an officer of any employing authority) to be reckonable under these regulations:

Provided that—

(i) no period of service in respect of which the practitoner has received a sum by way of return of contributions shall be reckonable under this paragraph unless under these regulations or the previous regulations an equivalent sum plus any income tax deducted in respect of the sum returned to him by way of return of contributions has subsequently been repaid by him to the Secretary of State, or the Secretary of State has received in respect of that service a transfer value paid under these regulations, any previous regulations or under rules made under section 2 of the Act of 1948; and

(ii) in the case of a practitioner who holds or who has held two or more part-time appointments as a practitioner rendering specialist services under section 3 of the Act, any previous period of service shall not be reckonable for the purpose of calculating the amount of benefit payable to or in respect of him in relation to more than one of such appointments.

Further employment not to be taken into account for reduction of pension in certain cases

69. For the purposes of regulation 40 further employment as a practitioner between the ages of sixty-five and seventy years in the case of a person who became entitled to a pension as a practitioner on or after attaining the age of sixty-five years shall be disregarded.

Further modifications with respect to assistant practitioners

70. These regulations, in their application in manner hereinbefore provided to an assistant practitioner, shall have effect subject to the following further modifications:—

(*a*) for the definition of "remuneration" in paragraph (2) of regulation 2 there shall be substituted the following definition—

"'remuneration' means the whole or such part as the Secretary of State may approve of all salary, wages, fees and other payments paid or made to an assistant practitioner as such for his own use, including the money value of any apartments, rations or other allowances in kind appertaining to his employment, but not including payments for overtime or any allowances paid to him to cover the cost of providing office or laboratory accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment";

(*b*) the practitioner by whom he is employed shall be deemed to be the employing authority for the purposes of paragraph (7) of regulation 9 but for no other purpose and shall remit the assistant practitioner's contributions to the Executive Council after they have been obtained from him; and

(*c*) for the purposes of regulation 40 his remuneration from the date of operation of these regulations shall be deemed to be payable out of public funds.

Application of regulations to a person who is a practitioner by reason of rendering specialist services under section 3 of the Act

71. These regulations, in their application to a person who is a practitioner by virtue of being a person rendering specialist services under section 3 of the Act, shall have effect subject to—

(*a*) the modifications contained in regulations 62 to 68 ; and

(*b*) the further modification that if the person is a mental health officer to whom the provisions of paragraph (1) or paragraph (2) of regulation 8 apply as respects the calculation of any benefit to which he becomes enitled as a person rendering specialist services under section 3 of the Act, the remuneration in respect of each year of which by virtue of the said regulations account is to be taken as if it were two years, shall for the purpose of the calculation of benefits but for no other purpose, be deemed to be a sum equal to twice the amount of the actual remuneration in respect of such year.

Continuation of contracts or policies of insurance in certain cases

72.—(1) Where immediately before the first day of October, 1955, the Secretary of State was under a liability imposed by sub-paragraph (*m*) of paragraph (3) of regulation 42 of the 1950 regulations to pay to a practitioner as a contribution towards the maintenance of a contract or policy of insurance held by that practitioner with any of the Life Assurance Companies an amount equal to eight per cent. of the practitioner's remuneration, the Secretary of State shall, subject to such terms and conditions as he may have determined, continue to pay to the practitioner, so long as he remains a practitioner, as a contribution towards the maintenance of the aforesaid contract or policy an amount equal to eight per cent. of the practitioner's remuneration and the practitioner, so long as he remains a practitioner shall not be subject to any of the provisions of these regulations except this provision.

(2) The preceding paragraph shall, if the Secretary of State consents and subject to such additional terms and conditions as he may determine, also apply in relation to any contract or policy of insurance entered into or taken out in substitution for the contract or policy therein mentioned for the purpose of complying with section 22 of the Finance Act, 1956.

(3) In this regulation "remuneration"—

(*a*) in relation to a practitioner, other than a person who is a practitioner by virtue of providing specialist services under section 3 of the Act, means his remuneration as defined in regulation 61 ;

(*b*) in relation to a person who is a practitioner by virtue of providing specialist services under section 3 of the Act has the meaning assigned to it by paragraph (2) of regulation 2 ; and

(*c*) in relation to an assistant practitioner has the meaning assigned to it by paragraph (*a*) of regulation 70.

Provisions relating to a special class of practitioner

73.—(1) In the case of a person who immediately before the appointed day was in agreement with the Secretary of State under the Highlands and Islands (Medical Service) Grant Acts, 1913 and 1929, and who on that

day became a practitioner within the meaning of paragraph (2) of regulation 2, there shall be reckonable as service for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating the amount of any benefit to which he may become entitled, all periods during which he provided medical services in terms of an agreement under the said Acts, and if he ceased to provide those services in order to undertake war service or in order to undertake national service and within six months of the termination of that war service or national service, as the case may be, resumed the provision of medical services in terms of such an agreement, there shall also be reckonable as service for the purpose aforesaid the period of that war service or national service.

(2) In the case of a person who

(*a*) immediately before the appointed day was in agreement with the Secretary of State under the Highlands and Islands (Medical Service) Grant Acts, 1913 and 1929;

(*b*) became on the appointed day a medical practitioner on the list of an Executive Council for the Counties of Argyll, Caithness, Inverness, Ross and Cromarty, Sutherland, Orkney, Zetland, or Perth; and

(*c*) had been in agreement with the Secretary of State as aforesaid for a period or periods of not less than ten years in all;

then if he remains, and in the case of a person who became an officer before the date of the coming into operation of the 1955 regulations has remained, without a break of more than twelve months at any one time as a practitioner or as an officer of any employing authority or as an officer to whom part III or part IV of the 1950 regulations or part III or part IV of the 1948 regulations applied, or as a person to whom paragraph (1) of regulation 21 of the Local Government Regulations, 1954, or paragraph (1) of regulation 22 of those regulations applies or applied, the Secretary of State, with the approval of the Treasury, may, on his ceasing to be employed as such practitioner or officer by reason of permanent ill-health or infirmity of mind or body, or of age, make such payments to him supplementary to any superannuation benefits which may become payable to or in respect of him, as the Secretary of State considers reasonable.

PART IV

MISCELLANEOUS

Definition of "the prescribed time limit"

74. In this part of these regulations "the prescribed time limit" means a period of twelve months after leaving employment as an officer or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service:

Provided that—

(i) in the case of a person who after leaving employment as an officer has become a contributory employee or local Act contributor, there shall be excluded in reckoning the aforesaid period of twelve months or, as the case may be, the aforesaid period of six months, any period spent on a course of study or training if, under rules made under section 2 of the Act of 1948, the period of that course is excluded in determining for the purpose of those rules, whether his previous service is reckonable in his new employment, and if, under those rules, in determining

whether his previous service is reckonable in his new employment, he is deemed to have left employment as an officer on completion of a course of study or training, any period of national service in which he became engaged on completion of that course shall be deemed to have begun immediately after he left employment as an officer;

(ii) in the case of a person who after leaving employment as an officer has entered employment in the health service of Northern Ireland or the Isle of Man there shall be excluded in reckoning the aforesaid period of twelve months or, as the case may be, the aforesaid period of six months, any period spent on approved employment or on a course of study or training and any period of national service in which he became engaged on completion of that employment or course shall be deemed to have begun immediately after he left employment as an officer;

(iii) in the case of a person who after leaving employment as an officer has entered pensionable employment on the medical, dental or nursing staff of a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, there shall be excluded in reckoning the aforesaid period of twelve months or, as the case may be, the aforesaid period of six months, any period spent on an approved course of study or training and any period of national service in which he became engaged on completion of that course shall be deemed to have begun immediately after he left employment as an officer;

(iv) in the case of a person who after leaving employment as an officer has entered such employment as is mentioned in sub-paragraph (*c*) of paragraph (3) of regulation 19 there shall be excluded in reckoning the aforesaid period of twelve months or, as the case may be, the aforesaid period of six months, any period spent on a course of study or training approved for the purposes of these regulations by the Secretary of State on the written application of that person made before or within three months after the commencement of that course or within such longer period as the Secretary of State may in any particular case allow; and

(v) in the case of a person who after leaving employment as an officer has entered employment as an established civil servant there shall be excluded in reckoning the aforesaid period of twelve months or, as the case may be, the aforesaid period of six months, such longer period as the Secretary of State with the consent of the Treasury may in any particular case allow.

Reckoning of service on transfer to civil service or teaching service

75.—(1) Where a person has left employment in which he was an officer and, within the prescribed time limit and without having become entitled to any benefit under these regulations other than a return of contributions, has become an established civil servant or a person in first class service under the Teachers Superannuation Regulations he shall be entitled to reckon—

(*a*) as established service or first class service, as the case may be, all periods of employment, war service or national service which for the purposes of these regulations, or the previous regulations he was entitled to reckon as contributing service or non-contributing service in relation to his employment under the employing authority immediately before he ceased to be employed by them, and any period of national service after so ceasing to be employed, excluding, in the event of his

having received a return of contributions on or after so ceasing to be employed, any part of that period after the date of the return; and

(*b*) as established service for the purpose of determining whether he has served for the minimum period prescribed under the Superannuation Acts for the payment of a superannuation allowance or additional allowance or gratuity to his legal personal representatives on his death, or as third class service for the purposes of the Teachers Superannuation Regulations, any service which he was entitled to reckon in relation to his former employment solely for the purpose of determining whether he was entitled to any benefit under these regulations, or the previous regulations:

Provided that—

(*i*) this paragraph shall not apply to any person who has not within three months or within such longer period as the Secretary of State may in any particular case allow after becoming an established civil servant or a person in first class service under the Teachers Superannuation Regulations, given notice in writing to his employer of his previous period of employment and war service or national service (if any), and, if he is an established civil servant, or, if he is a person in first class service under the Teachers Superannuation Regulations, repaid to the Secretary of State, within such period, an amount equal to any sum paid to him by way of return of contributions on or after his ceasing to hold his former employment, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment;

(*ii*) for all the purposes of this paragraph, any period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period, and, except in the calculation of any qualifying period of service, any period of non-contributing service shall be treated as being half its actual length; and

(*iii*) this paragraph shall not apply to any person who, on or after leaving the employment of an employing authority forfeits all claim in respect of his previous service to any superannuation benefits by virtue of a direction of the Secretary of State in that behalf under regulation 54.

(2) Where an established civil servant to whom the last preceding paragraph applies ceases to be employed in circumstances which under these regulations would have entitled him to a return of contributions had he then ceased to be employed by an employing authority, he shall be entitled to receive from the Secretary of State a sum equal to the amount to which he would have been so entitled as aforesaid.

(3) Where an officer has become a person in first class service under the Teachers Superannuation Regulations, and the provisions of paragraph (1) of this regulation do not apply to him, then, without prejudice to paragraph (3) of regulation 50 of the Teachers Superannuation Regulations any period of employment, war service or national service which would have been reckonable under that paragraph had that paragraph applied to him shall be treated as third class service for the purposes of the Teachers Superannuation Regulations.

Rights on transfer to other employment

76.—(1) Where a person has left employment in which he was an officer and, within the prescribed time limit and without having become entitled to any benefit under these regulations other than a return of contributions,

has become a participant in the superannuation scheme operated under the Federated Superannuation System for Universities or the Federated Superannuation Scheme for Nurses and Hospital Officers or any other superannuation scheme approved by the Secretary of State for the purposes of this paragraph, he may within three months thereafter or within such longer period as the Secretary of State may in any particular case allow, notify the Secretary of State that he desires the provisions of this paragraph to apply to him, and, in that event, if—

(*a*) the body administering the scheme undertakes to invest or secure the investment of such sum as is hereinafter mentioned for the person's benefit under the scheme and, unless the Secretary of State dispenses with this requirement, to comply with the provisions of paragraph (4) of this regulation; or

(*b*) he is satisfied having regard to the character of the scheme, that no such undertaking can be given but is satisfied that the benefits for which the scheme provides are adequately secured,

the Secretary of State may pay to that body a sum not exceeding at his discretion either the amount of the transfer value which would have been payable under regulation 80 had the person become a contributory employee in circumstances in which that regulation applied, or the amount of a transfer value calculated in accordance with the provisions of the third schedule:

Provided that where before the twenty-ninth day of July, 1960, a person had notified the Secretary of State that he desired the provisions of paragraph (1) of regulation 76 of the 1955 regulations to apply to him, the amount of any sum to be paid by the Secretary of State shall be calculated in accordance with the 1955 regulations as originally made.

(2) Where a person has left employment in which paragraph (1) or paragraph (2) of regulation 8 was applicable to him and, within the prescribed time limit and without having become entitled to any benefit under these regulations other than a return of contributions, has become subject to a scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19 and by virtue of the provisions of that scheme he becomes entitled to reckon as if it were two years any year of contributing service which he had been entitled so to reckon by virtue of the provisions of paragraph (1) or paragraph (2) of regulation 8 then, in calculating any sum payable under paragraph (1) of this regulation the Secretary of State may take account of any such year as if it were two years.

(3) The foregoing paragraphs of this regulation shall not apply in relation to any person who has not within the period of three months or within such longer period as the Secretary of State may in any particular case allow, repaid to the Secretary of State an amount equal to any sum paid to him by way of return of contributions on or after leaving the employment in which he was an officer, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment.

(4) If a person to whom the provisions of paragraph (1) of this regulation or the corresponding provisions of the previous regulations have been applied ceases to participate in the scheme in circumstances in which he becomes entitled to a benefit based solely on his contributions thereunder, the body administering the scheme shall pay to the Secretary of State a sum equal to the sum received by the body under the provisions

of paragraph (1) of this regulation or of such other regulation as aforesaid in respect of the person and the Secretary of State shall pay to him a sum equal to the amount which would have been paid to him by way of return of contributions on his ceasing to be employed as an officer or on the termination of his national service as the case may be, if no payment had been made in respect of him under paragraph (1) of this regulation or of such other regulation as aforesaid.

(5) If such a person as is mentioned in the last preceding paragraph, within twelve months after ceasing so to participate in the scheme and within five years after ceasing to be employed as an officer by an employing authority, again becomes an officer to whom part II of these regulations applies, he shall be entitled, if he pays or repays to the employing authority any sum paid to him by the Secretary of State under the last preceding paragraph, together with an amount equal to any income tax which was deducted in respect of such payment, to reckon as service, contributing service and non-contributing service respectively, all periods of employment, war service or national service which he was so entitled to reckon in relation to his employment under the former employing authority immediately before the date on which he ceased to be employed by them, and as contributing service any period of national service after so ceasing to be employed.

(6) If a person to whom the provisions of paragraph (1) of this regulation or any corresponding provisions of the previous regulations had been applied—

(*a*) leaves the employment in which he is a participant in the scheme in circumstances other than those in which paragraph (4) of this regulation applies ; and

(*b*) within twelve months after leaving that employment and within five years after ceasing to be employed as an officer again enters employment in which he is an officer ; and

(*c*) within three months after entering the last-mentioned employment or within such longer period as the Secretary of State may in any particular case allow notifies the employing authority by whom he is employed in that employment that he desires the provisions of this paragraph to apply to him,

then, if the body administering the scheme pays to the Secretary of State a sum equal to the sum received by them under the provisions of paragraph (1) of this regulation or any corresponding provisions of the previous regulations in respect of the person, he shall be entitled to reckon such service as he would have been entitled to reckon had there been no break between his ceasing to be an officer and his again becoming an officer as aforesaid.

(7) The provisions of paragraphs (5) and (6) of this regulation shall not apply if the scheme in the benefits of which a person to whome paragraph (1) of this regulation or the corresponding provision of the previous regulations has been applied has ceased to participate is a scheme which has been approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19.

Provisions relating to approved employment

77.—(1) Where a person having left employment in which he was an officer or employment to which this regulation applies without having become entitled to any benefit under these regulations other than a return

of contributions has entered within the prescribed time limit employment in which he is not entitled to reckon his service under these regulations for the purpose of participating in any superannuation benefits, otherwise than for the sole purpose of determining whether any such benefits are payable, he may (unless he is a person to whom paragraph (1) of regulation 76 of these regulations or the corresponding provision of the previous regulations has been applied) apply to the Secretary of State within three months after entering that employment, or within such longer period as the Secretary of State may in any particular case allow, to approve the employment for the purposes of this paragraph, and if the employment is so approved the provisions of paragraph (2) of this regulation shall apply in relation to the person by whom the application under this paragraph was made.

Provided that this paragraph shall not apply in relation to any person who has not within the said period of three months, or within such longer period as the Secretary of State may in any particular case allow, repaid to the Secretary of State an amount equal to any sum paid to him by way of return of contributions on or after leaving the employment in which he was an officer together with an amount equal to any income tax which was deducted from his contributions in respect of such payment.

(2) Where under the last preceding paragraph a person's employment has been approved on an application made, or having effect as if made, by him under that paragraph and that person has not given notice under paragraph (4) of this regulation then—

(*a*) if he ceases to hold that employment or any subsequent employment approved (on his application) by the Secretary of State for the purposes of this paragraph in such circumstances, including that of his age, as, had they obtained when he left the employment in which he was an officer, would have entitled him to any benefit under these regulations, the Secretary of State may grant him that benefit, as from the date on which he ceases to hold the approved employment, calculated as if he had become entitled to that benefit at the date on which he left the employment in which he was an officer; or

(*b*) if he ceases to hold that employment or any subsequent employment approved (on his application) by the Secretary of State for the purposes of this paragraph and by reason of his age he does not qualify for a benefit under the provisions of the last preceding sub-paragraph but becomes entitled to a pension under any pension scheme applicable to him in that employment, the Secretary of State may grant to him, as from the date on which he ceased to hold that employment, a benefit equal to the benefit to which he would have become entitled under these regulations on ceasing to hold the employment in which he was an officer, if at the date on which he so ceased to hold the employment in which he was an officer he had attained the age of sixty years and had been entitled for the purpose of determining whether any such benefit was payable to him to aggregate with his service for the purposes thereof a period of service equal in length to the period of his approved employment; or

(*c*) if he dies while in approved employment, the Secretary of State may grant the like benefits (if any) by way of widow's pension and death gratuity as would have been granted under these regulations if he had died immediately before he ceased to hold the employment in which he was an officer; or

(*d*) if within twelve months after ceasing to hold approved employment he again becomes an officer to whom Part II of these regulations applies,

he shall, if he repays to the Secretary of State a sum equal to the amount (if any) paid to him by way of return of contributions on or after ceasing to hold the approved employment, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment, be entitled to reckon as service, contributing service and non-contributing service respectively, all periods of employment, war service or national service, which he was so entitled to reckon immediately before he left the employment in which he was formerly an officer, and

(i) he shall be entitled to reckon the period of his approved employment for the purpose of determining whether any benefit is payable to him under these regulations; and

(ii) if in his approved employment he devoted the whole or substantially the whole of his time to the treatment or care of persons suffering from mental disorder he shall be entitled to reckon the period of that employment for the purpose of assessing the period of twenty years mentioned in paragraph (2) of regulation 8,

but not for any other purpose:

Provided that—

(*i*) where a benefit is granted by the Secretary of State under sub-paragraph (*b*) of this paragraph, that benefit shall either be reduced, according to the age of the person to whom it is payable, by the percentage shown in the appropriate column of the tables set out in the fifth schedule, or shall not become payable until the person attains such an age as would have entitled him to a similar benefit under sub-paragraph (*a*) of this paragraph, but any such reduction shall be disregarded in the calculation of any widow's pension which may become payable in respect of the person;

(*ii*) in the calculation of any benefit granted by the Secretary of State to or in respect of any person by virtue of sub-paragraph (*a*) or (*c*) of this paragraph, any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit, otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him, shall be disregarded; and

(*iii*) where a benefit becomes payable to or in respect of a person to whom sub-paragraph (*d*) of this paragraph has become applicable, and the amount of that benefit falls to be calculated by reference to any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him, then, if the number of years reckonable by the person is less than any minimum number of years of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be the amount which bears the same proportion to the sum otherwise payable as the number of years of service so reckonable bears to the minimum number of years of qualifying service.

(3) The provisions of paragraph (2) of this regulation shall apply in relation to a person who, after leaving employment in which he was an officer, entered employment which was approved on his application under

the corresponding provision of the previous regulations as they apply in relation to a person whose employment has been approved under paragraph (1) of this regulation:

Provided that in relation to a person who, at the time when he left the employment in which he was an officer, was subject to the previous regulations, references in paragraph (2) of this regulation to these regulations shall be construed as references to the regulations to which he was subject at that time.

(4) No payment shall be made by way of return of contributions to any person who has entered employment in which paragraph (2) of this regulation has become applicable to him unless and until he either—

(*a*) ceases to hold that employment in circumstances in which he does not become entitled to any benefit under these regulations; or

(*b*) gives notice to the Secretary of State that he wishes this regulation to cease to apply in respect of him from the date of that notice.

(5) The foregoing provisions of this regulation shall apply to a person who ceases to be subject to a direction of the Secretary of State made under subsections (2) and (3) of section 19 of the National Health Service (Amendment) Act, 1949, without having ceased to hold the employment in which he was so subject as it applies to a person mentioned in paragraph (1) of this regulation.

Transfer values payable to the Secretary of State by local authorities

78.—(1) The like transfer value shall be payable in respect of a person to whom paragraph (1) of regulation 26 applies as would have been payable under rules made under section 2 of the Act of 1948 if the person had become an officer within twelve months after ceasing to be a contributory employee or local Act contributor:

Provided that the transfer value payable in respect of the person shall be calculated by reference to his age at the date on which he became an officer.

(2) In the calculation of any transfer value under paragraph (1) of this regulation, account shall be taken of any number of years that may have been added to a person's service under the rules referred to in paragraph (1) of this regulation, or under the provisions of regulation 17 of the 1950 regulations or regulation 17 of the 1948 regulations, as if that number of years had been reckonable as a number of years of contributing service for the purposes of the Act of 1937, or, as the case may be, as a number of years of service for the purposes of the local Act scheme, immediately before he ceased to be a contributory employee or local Act contributor.

(3) Where a transfer value has become payable to the Secretary of State under the rules referred to in paragraph (1) of this regulation or under the previous regulations in respect of any person and thereafter paragraph (2) of regulation 26 becomes applicable in relation to him, the transfer value shall be re-calculated to take account of any period of employment which becomes reckonable as service under that regulation.

Transfer values payable to the Secretary of State in respect of persons leaving certain approved schemes

79.—(1) Where a person has become an officer of an employing authority within twelve months after ceasing to be a contributor to a scheme approved by the Secretary of State under head (v) of sub-paragraph (*d*) of paragraph (3) of regulation 19, not being a scheme for providing superannuation benefits

by means of contracts or policies of insurance made or effected with any of the Life Assurance Companies or, if immediately after so ceasing he became engaged in national service, within six months after the termination of that service, and without having become entitled to any benefit under the scheme other than a return of contributions, the body administering the scheme or any persons maintaining any fund for the purposes of the scheme or the successors in title of either that body or those persons shall, if the Secretary of State so requires, pay to the Secretary of State a transfer value of such amount as the Secretary of State may determine to be actuarially equivalent to the liability of which the body administering the scheme or any such fund as aforesaid is relieved as a result of that person's ceasing to be subject to the scheme and becoming an officer.

(2) For the purpose of determining whether a person has left employment in the health service of Northern Ireland or the Isle of Man within the period referred to in paragraph (1) of this regulation, no regard shall be had to any period of employment or course of study or training approved by the body administering that service.

(3) For the purpose of determining whether a person has left pensionable employment on the medical, dental or nursing staff of a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, within the period referred to in paragraph (1) of this regulation, no regard shall be had to any course of study or training approved by the body administering the superannuation scheme to which the person was subject in that employment.

Transfer values payable by the Secretary of State

80.—(1) Where a person has left employment as an officer and within the prescribed time limit and without having become entitled to any benefit under these regulations other than a return of contributions, has become a contributory employee or local Act contributor, the like transfer value shall be payable by the Secretary of State to the authority maintaining the fund in relation to which the person has become a contributory employee or local Act contributor as would have been payable under the regulations for the time being in force by virtue of section 24 of the Act of 1937 if—

(*a*) he had as such officer as aforesaid ceased to be a contributory employee;

(*b*) his contributing service (excluding any added years which immediately before he left his employment were reckonable under these regulations) and his non-contributing service (if any) had been contributing service and non-contributing service within the meaning of the Act of 1937;

(*c*) any added years reckonable under these regulations immediately before he left the employment in which he was an officer had been reckonable under the Act of 1953;

(*d*) in the case of a person to whom a provision of rules made under section 2 of the Act of 1948 corresponding to paragraph (4) of regulation 49 of the 1950 regulations (which said paragraph relates to reckoning of service in the case of former mental health officers) applies, his contributing service had included any additional years of contributing service which he is entitled to reckon by virtue of the aforesaid provision corresponding to paragraph (4) of regulation 49 of the 1950 regulations;

(*e*) in the case of a practitioner, his remuneration had been the annual average of his remuneration in respect of all periods of service as a

practitioner whether under these regulations or the previous regulations; and

(*f*) in the case of a person who after ceasing to be employed as an officer continued in the employment of an employing authority otherwise than as an officer the material date for the purposes of the regulations for the time being in force by virtue of section 24 of the Act of 1937 shall be the date on which he left employment as an officer:

Provided that—

(i) in the case of a person, not being a practitioner, whose service includes service as a practitioner, separate transfer values shall be calculated in respect of his service in the two capacities, by reference to his remuneration as such person and his remuneration as a practitioner respectively;

(ii) in the case of a practitioner whose service includes service otherwise than as a practitioner, separate transfer values shall be calculated in respect of his service in the two capacities, as if in relation to his service otherwise than in the capacity of a practitioner the material date for the purpose of ascertaining his remuneration were the date on which he ceased to hold his last employment before becoming a practitioner, and his remuneration were the annual remuneration of the employment on which contributions were payable by him on that date, or, if in that employment he was not an officer of an employing authority, the annual emoluments of that employment; and

(iii) in the case of a person to whom proviso (i) to regulation 74 applies, the transfer value shall be calculated as if his age at the material date were his age at the date when he became a contributory employee or local Act contributor.

(2) Notwithstanding the preceding provisions of this regulation, a transfer value shall not be payable by the Secretary of State in respect of a person unless within such period as may be specified in rules made under section 2 of the Act of 1948, he has given such notice and furnished such particulars as may be required by the said rules as a condition of his being able to reckon any of the service which he was entitled to reckon immediately before leaving his employment as an officer, and in the case of a person who, on or after leaving the employment of an employing authority, received a return of contributions, unless that person has made a payment to the authority maintaining the superannuation fund to which he is a contributor of an amount equal to any sum paid to him by way of a return of contributions on or after his leaving the employment of an employing authority together with an amount equal to any income tax which was deducted from his contributions in respect of such payment.

(3) Notwithstanding the preceding provisions of this regulation the Secretary of State may withhold the payment of a transfer value in respect of a person who, on or after leaving the employment of an employing authority forfeits all claim in respect of his previous service to any superannuation benefits by virtue of a direction of the Secretary of State in that behalf under regulation 54.

Persons engaged on war service or national service

81.—(1) Where a person, but for any war service on which he was engaged, would have been transferred under the Act to the employment of an employing authority, he shall be deemed for the purposes of these regulations to have been so transferred if he has entered the employment of that authority within six months after the termination of that service.

(2) If any such person, immediately before becoming engaged on war service, was subject to the provisions of any such enactment or scheme as was mentioned in sub-paragraph (*b*) of paragraph (1) of regulation 43 of the 1955 regulations, he shall be deemed for the purposes of these regulations to have been so subject immediately before becoming an officer.

(3) Where a person was engaged on war service or national service at the date of the acquisition of premises by the Secretary of State either by purchase under section 57 of the Act or in any other manner and immediately before undertaking that service was employed at, or for the purposes of administering the services provided at, those premises, then, if he has become an officer within six months after the termination of that service, he shall be deemed for the purposes of these regulations to have been employed in such premises immediately before and at the date of their acquisition by the Secretary of State and to have become an officer in consequence of that acquisition.

Determination of questions

82. Any question arising under these regulations as to the rights or liabilities of an officer or retired officer, or of a person claiming to be treated as such, or of the widow, any dependant or the legal personal representatives of an officer or retired officer shall be determined by the Secretary of State.

Employment of officer to be treated as second class service under the Teachers Superannuation Regulations in special cases

83. Where an established civil servant whose service as such is treated as second class service under paragraph (1) of regulation 6 of the Teachers Superannuation Regulations becomes or has become an officer of an employing authority to whom regulation 19 applies, his employment under that authority shall be treated for the purposes of paragraph (1) of regulation 6 of the said regulations in the same manner as his service as an established civil servant.

Provisions with respect to first class service under the Teachers Superannuation Regulations

84. Notwithstanding any provision in the Teachers Superannuation Regulations, where service which was reckonable—

(*a*) in the case of a person who before becoming an officer was a contributory employee, under section 15 of the Act of 1937 (which relates to teachers); or

(*b*) in the case of a person who before becoming an officer was a local Act contributor, under provisions (corresponding to section 15 of the Act of 1937) contained in the local Act scheme to which he was a contributor,

has become reckonable under these regulations, no benefit or sum by way of a return of contributions shall be payable by the Secretary of State to the person or to his legal personal representatives in respect thereof.

Amendment of the Pensions (Increase) Acts, 1944 and 1947

85. The Pensions (Increase) Acts, 1944 and 1947, shall have effect as if a pension or injury allowance payable under these regulations were specified in Part I of the First Schedule to the said Act of 1944.

Preservation of rights under section 2 of the Act of 1948

86. Where an officer, not being a person to whom paragraph (1) of regulation 26 applies, had previously been a contributory employee or local Act contributor and on ceasing to be such an employee or contributor he entered employment in circumstances in which, by virtue of rules made under section 2 of the Act of 1948, superannuation benefits might have been granted to or in respect of him under the Act of 1937 or a local Act scheme on his leaving that employment or on his death, then, if he became an officer within twelve months after leaving that employment, the said rules shall have effect as if any reference therein to his ceasing to hold that employment or to his becoming entitled to a pension under any pension scheme applicable to him in that employment or to his dying while still in that employment included a reference to his ceasing to be an officer or to his becoming entitled to a pension under these regulations or to his dying while still an officer.

Dated this 21st day of July, 1961.

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

St. Andrew's House,
Edinburgh, 1.

SCHEDULES

FIRST SCHEDULE

Allocation of Part of Pension or Injury Allowance

Regulation 14

1. A person shall not surrender—

(*a*) more than one third of the injury allowance to which he is entitled or of the pension to which he is entitled (or, in the case of a person to whom paragraph (2) or paragraph (3) of regulation 14 applies, of the pension to which he would be entitled if he ceased to be employed) or, in a case in which regulation 51 applies, the pension to which he would be entitled apart from the provisions of that regulation;

(*b*) any such part as would make the amount of the reduced pension or allowance which is or may become payable to him less than the amount of the pension which might become payable to the person in whose favour the allocation is made (hereinafter referred to as the "beneficiary");

(*c*) a smaller part than would secure for the beneficiary a pension of twenty-six pounds per annum; or

(*d*) any part which is not an exact number of pounds.

2. The amount of pension payable in return for each one pound of a pension or injury allowance surrendered by a person shall be the amount shown in the tables in force at the date on which the person becomes or is deemed to have become entitled to the pension or allowance which is appropriate to the age and sex of the beneficiary.

3.—(1) Upon a person's becoming eligible to notify his desire to surrender part of his pension or injury allowance, the employing authority shall furnish

him with a copy of regulation 14 and of this schedule, and of the tables for the time being in force, together with two copies of a form of notification of surrender of pension or injury allowance, and, in the case of a person to whom paragraph (2) or (3) of regulation 14 applies, a provisional estimate of the value of the pension that may become payable to him.

(2) A person to whom paragraph (1) of regulation 14 applies, and who desires to surrender a part of his pension or injury allowance, shall notify the employing authority accordingly not later than one month after the date on which he ceases to be employed.

4. For the purpose of notifying his desire to surrender a part of his pension or injury allowance, a person shall complete the form provided for the purpose, and send it, together with a copy thereof, to the employing authority whose officer he is or was, and they shall transmit the original to the Secretary of State.

5. On receipt by the Secretary of State of a notification given by a person under the last preceding paragraph—

(*a*) the Secretary of State shall arrange for the person to be examined by a registered medical practitioner nominated by the Secretary of State, with a view to obtaining from such practitioner a report stating whether, in his opinion, the person is in good health, regard being had to his age; and if the opinion stated in such report is that he is not in good health, the Secretary of State shall notify him accordingly, and offer him an opportunity of a further examination by some other registered medical practitioner nominated by the Secretary of State;

(*b*) the Secretary of State shall require the person to furnish at his own expense—

(i) a certified copy of his birth certificate, except where the date of birth has been duly recorded by the Secretary of State and is not disputed; and

(ii) with respect to the beneficiary, a birth certificate, a marriage certificate (in the case of a spouse) and any other information or evidence which the Secretary of State may consider necessary:

Provided that if for any reason a birth certificate or a marriage certificate cannot be supplied, the Secretary of State may accept such other evidence of birth or marriage as he may think fit.

6. Any fee payable to a practitioner in respect of an examination and report under the last preceding paragraph shall be paid by the person examined at the time of the examination.

7.—(1) Subject to the provisions of these regulations, unless the Secretary of State is of opinion, on consideration of a report obtained by him under paragraph 5 of this schedule, that the person to whom the report relates is not in good health, or unless he is of opinion that the evidence produced in regard to age or marriage is not satisfactory, he shall accept the surrender of such part of the pension or injury allowance as is specified in the person's notification and as is in conformity with this schedule, and shall grant to the beneficiary named in the notification a pension in accordance with the provisions of paragraph 2 of this schedule.

(2) As soon as practicable after coming to a decision in regard to a notification given by a person, the Secretary of State shall inform him whether or not the notification has been accepted, and if it has been accepted, shall furnish him with a statement as to the amount of the pension to which the beneficiary may become entitled after his death, and the amount of the reduced pension or injury allowance that is or may become payable to him, and, if the notification has not been accepted, shall inform him of the reason.

8.—(1) A person who has given a notification of his desire to surrender part of his pension or injury allowance under these regulations may cancel or amend the notification by a notice in writing given to the employing authority at any time before he has been informed by the Secretary of State that his surrender has been accepted.

(2) An amendment of a notification shall be disregarded if the notification as so amended does not comply with this schedule.

9.—(1) A notification given by a person under this schedule shall become null and void if—

(*a*) the beneficiary dies before the person has been informed by the Secretary of State that his surrender has been accepted ; or

(*b*) the person dies at any time before midnight on the day on which the Secretary of State decides to accept the surrender ; or

(*c*) a person to whom paragraph (3) of regulation 14 applies again becomes an officer and has not become an officer mentioned in sub-paragraph (3) of this paragraph or completed forty years' contributing and non-contributing service, the non-contributing service being reckoned at half its actual length.

(2) Subject as aforesaid, a surrender of part of a pension or injury allowance accepted in pursuance of a notification shall have effect as from the date on which the pension or allowance becomes payable.

(3) The reference in sub-paragraph (1) of this paragraph to an officer mentioned in this sub-paragraph is a reference to an officer who—

(*a*) in the case of a mental health officer or of a female who is a nurse, physiotherapist, midwife or health visitor, has attained the age of sixty years ; or

(*b*) in any other case has attained the age of sixty-five years.

10. A notice in writing sent by an employee to his employing authority under paragraph 4 or 8 of this schedule, and information given by the Secretary of State to an employee under paragraph 7 of this schedule of acceptance or non-acceptance of the employee's notification of his desire to surrender part of his pension or injury allowance shall, if posted in a properly addressed prepaid envelope, be deemed to have been received by the person to whom it was addressed at the time at which a letter would have been delivered in the ordinary course of post.

SECOND SCHEDULE

Additional Contributory Payments

Regulation 25, *Regulation* 30 (3) *and* (7) *and Regulations* 31 *and* 32

1. The sum payable by an officer who desires to reckon any completed year of non-contributing service as contributing service shall be calculated in accordance with the provisions of paragraph 6 of this schedule, and may be paid upon the officer's notifying the employing authority in writing in accordance with the provisions of the regulations applicable in his case, that he intends to make a payment under this paragraph (the date of such notification being hereinafter referred to as "the material date"):—

(*a*) in a lump sum accompanying such notification ;

(*b*) partly in a lump sum, of not less than one tenth of the sum payable, accompanying such notification, and as to the remainder, and subject as hereinafter provided, by such instalments as within three months after the material date may be agreed between the officer and the employing authority ; or

(*c*) wholly, subject as hereinafter provided, by such instalments as aforesaid.

2. The instalments of any sum payable under the preceding paragraph shall be of equal amounts spread over a period of not more than ten years after the material date, the first instalment to be paid within four months after the material date:

Provided that the whole of the instalments shall be payable before the date on which the officer will attain the age at which he may become eligible for a pension under these regulations on ceasing to be employed.

3. While any instalment of any sum payable under this schedule remains to be paid, the following provisions shall have effect—

(*a*) compound interest shall be payable as from the material date upon the amount for the time being unpaid, and shall be calculated at the rate of three and one-quarter per cent. per annum, with yearly rests;

(*b*) if the officer becomes entitled to a pension, retiring allowance or short service gratuity, or if a widow's pension or death gratuity becomes payable in respect of him, a deduction in respect of any amount due may be made from any payments on account of such pension, retiring allowance, short service gratuity, widow's pension or death gratuity;

(*c*) if the officer becomes entitled to an injury allowance without having become entitled to a short service gratuity or dies without having become entitled to a pension or retiring allowance and without leaving a widow entitled to a widow's pension, and no death gratuity is payable in respect of him, all liability in respect of the balance of the debt shall cease;

(*d*) if the officer ceases to hold his employment without having become entitled to any benefit under these regulations, other than a return of contributions, then, at the expiration of twelve months, or, if immediately after ceasing to hold his employment the officer became engaged in national service, at the expiration of six months after the termination of that service, the officer shall cease to be entitled to any rights in respect of payments made by him on account of the debt, except any right to a return of the amount of such payments, and his liability in respect of the balance of the debt shall cease, unless within that period the officer, without in the meantime having become a contributory employee or local Act contributor—

(i) enters employment in which he is an officer or an established civil servant, in which event, subject as hereinafter provided, his liability in respect of the balance of the debt shall continue, and the officer shall pay or repay an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return; or

(ii) enters employment in first class service under the Teachers Superannuation Regulations, as is mentioned in sub-paragraph (*c*) of paragraph (3) of regulation 19, or enters employment under a local authority in which he is a contributory employee, in which event, subject as hereinafter provided, the right to receive the balance of the debt shall be deemed to be transferred to the Secretary of State or the local authority, as the case may be, and the officer shall pay to the Secretary of State or authority an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return:

Provided that where a person:—

(*i*) ceased at any time to be an officer, immediately thereafter became engaged in national service and returned to employment as an officer within six months after the termination of that service; or

(*ii*) ceased at any time to be an officer in order to enter an approved course of study or training and re-entered employment as an officer

within twelve months (no account being taken of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course; or

(*iii*) ceased at any time to be an officer, immediately thereafter became engaged in national service, on the termination of that service entered an approved course of study or training and re-entered employment as an officer within six months after the termination of his national service (no account being taken of the said course of study or training); or

(*iv*) ceased at any time to be an officer by virtue of paragraph (1) of regulation 20 and re-entered employment as an officer within twelve months (no account being taken of any period mentioned in paragraph (2) of that regulation),

he shall not be treated as having ceased to be entitled to any rights in respect of payments made by him on account of the debt and, subject as hereinafter provided his liability in respect of the balance of the debt shall continue and he shall pay or repay an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return;

(*e*) if the officer ceases to hold any employment by virtue of his entry into which his liability in respect of the balance of the debt has been continued in accordance with the provisions of the last preceding sub-paragraph, the provisions of that sub-paragraph shall apply, with any necessary modifications, and shall continue so to apply, whenever the officer ceases to hold employment during which he has been making, but has not completed making, payments on account of the debt; and

(*f*) the provisions of sub-paragraphs (*b*) and (*c*) of this paragraph shall apply, with any necessary modifications, whenever the officer is employed in circumstances in which his liability in respect of the balance of the debt is continued under the provisions of sub-paragraph (*d*) or (*e*) of this paragraph.

4. Where the last preceding paragraph applies in relation to a person who at any time enters two or more employments, or who simultaneously becomes a part-time officer under the authority in whose employment he is and enters the employment of another authority, the right to receive the balance of the debt shall be apportioned between the authorities concerned in such manner as the Secretary of State shall direct.

5. Any sum payable under this schedule by an officer, or by a person who has ceased to be such and has become an established civil servant, shall be paid to the employing authority for transmission to the Secretary of State.

6.—(1) For the purpose of calculating the sum to be paid by an officer under this schedule the relative table set out below shall be used in accordance with the provisions of this paragraph:

Provided that where before the twenty-ninth day of July, 1960, an officer had notified the employing authority of his intention to make a payment in accordance with the second schedule of the 1955 regulations, the payment shall be made, or, if it has been made in part, shall be completed in accordance with the said schedule.

(2) The age and remuneration of an officer means his age at the material date and the annual remuneration on which he is paying contributions on that date:

Provided that—

(*a*) if for the purposes of the foregoing provision account is required to be taken of any fees payable to an officer, other than a practitioner, in respect

of any service, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that service during the three years immediately preceding the material date, or, if that service was of shorter duration, such shorter period;

(*b*) references to contributions payable by any person shall include references to contributions which would have been payable by him but for any reduction in or suspension of his remuneration by reason of his absence from duty owing to ill-health or injury;

(*c*) the sum payable, whether by a practitioner or an officer other than a practitioner, in respect of any period of service as a practitioner shall be calculated by reference to the annual average of the remuneration during that period; and

(*d*) in the case of a practitioner, the sum payable in respect of any period of service in any other capacity shall be calculated by reference to the annual remuneration on which he was paying contributions at the date on which he last ceased to be employed in such capacity, or, if in that employment he was not an officer of an employing authority, the annual emoluments of that employment.

(3) The amount shown in Table I (*a*), I (*b*), II (*a*), II (*b*), III, IV (*a*) or IV (*b*), as the case may require, in relation to an age which corresponds with that of the officer is an amount appropriate in respect of one hundred pounds of remuneration. A total amount is to be calculated proportionately by reference to the remuneration of the officer. Such total amount is the sum payable by the officer in order to reckon as contributing service one year of the non-contributing service which he is entitled to reckon on the material date.

(4) The sum payable by an officer in order to reckon as contributing service more than one year of the non-contributing service which he is entitled to reckon at the material date is the amount calculated in accordance with sub-paragraph (3) of this paragraph, multiplied by the number of years of the said service which the officer desires so to reckon.

(5) Any sum payable by a person to whom paragraph (1) of regulation 51 applies, in respect of any period of non-contributing service of which account would be taken under paragraph (3) of regulation 51 in calculating the amount of the reduction of any pension to which the person might become entitled under these regulations, shall be reduced by the sum shown in the appropriate column of Table V in relation to an age which corresponds with that of the person at the material date, in respect of each one pound of the amount of the reduction of the pension as aforesaid in respect of that period of service, and by a proportionate sum in respect of any fraction of a pound included in the said amount.

TABLE I

(*a*) SERVICE OF A MALE OFFICER, NOT BEING AN OFFICER MENTIONED IN TABLE II (*a*) OR IV (*a*) (OTHER THAN SERVICE AS A PRACTITIONER)

Age	Amount appropriate in respect of each £100 of remuneration	Age	Amount appropriate in respect of each £100 of remuneration
	£ s.		£ s.
Under 35	5 6	50 and under 51 ...	6 18
		51 „ „ 52 ...	7 3
35 and under 36 ...	5 6	52 „ „ 53 ...	7 8
36 „ „ 37 ...	5 7	53 „ „ 54 ...	7 13
37 „ „ 38 ...	5 7	54 „ „ 55 ...	7 18
38 „ „ 39 ...	5 8		
39 „ „ 40 ...	5 9	55 „ „ 56 ...	8 4
		56 „ „ 57 ...	8 11
40 „ „ 41 ...	5 10	57 „ „ 58 ...	8 19
41 „ „ 42 ...	5 12	58 „ „ 59 ...	9 8
42 „ „ 43 ...	5 14	59 „ „ 60 ...	9 19
43 „ „ 44 ...	5 16		
44 „ „ 45 ...	5 18	60 and over ...	10 1 less five shillings for each completed year by which the officer's age exceeds sixty years.
45 „ „ 46 ...	6 1		
46 „ „ 47 ...	6 4		
47 „ „ 48 ...	6 7		
48 „ „ 49 ...	6 10		
49 „ „ 50 ...	6 14		

(*b*) SERVICE OF A FEMALE OFFICER, NOT BEING A FEMALE OFFICER MENTIONED IN TABLE II (*b*) OR IV (*b*) (OTHER THAN SERVICE AS A PRACTITIONER)

	£ s.		£ s.
Under 20	4 6	43 and under 44 ...	7 3
		44 „ „ 45 ...	7 6
20 and under 21 ...	4 6		
21 „ „ 22 ...	4 9	45 „ „ 46 ...	7 9
22 „ „ 23 ...	4 12	46 „ „ 47 ...	7 13
23 „ „ 24 ...	4 15	47 „ „ 48 ...	7 17
24 „ „ 25 ...	4 18	48 „ „ 49 ...	8 1
		49 „ „ 50 ...	8 5
25 „ „ 26 ...	5 0		
26 „ „ 27 ...	5 3	50 „ „ 51 ...	8 9
27 „ „ 28 ...	5 6	51 „ „ 52 ...	8 14
28 „ „ 29 ...	5 8	52 „ „ 53 ...	8 19
29 „ „ 30 ...	5 10	53 „ „ 54 ...	9 4
		54 „ „ 55 ...	9 10
30 „ „ 31 ...	5 13		
31 „ „ 32 ...	5 15	55 „ „ 56 ...	9 17
32 „ „ 33 ...	5 17	56 „ „ 57 ...	10 4
33 „ „ 34 ...	5 19	57 „ „ 58 ...	10 11
34 „ „ 35 ...	6 1	58 „ „ 59 ...	10 18
		59 „ „ 60 ...	11 5
35 „ „ 36 ...	6 3		
36 „ „ 37 ...	6 5	60 and over ...	11 11 less four shillings for each completed year by which the officer's age exceeds sixty years.
37 „ „ 38 ...	6 7		
38 „ „ 39 ...	6 9		
39 „ „ 40 ...	6 11		
40 „ „ 41 ...	6 14		
41 „ „ 42 ...	6 17		
42 „ „ 43 ...	7 0		

TABLE II

(*a*) SERVICE OF A MALE MENTAL HEALTH OFFICER

Age	Amount appropriate in respect of each £100 of remuneration	Age	Amount appropriate in respect of each £100 of remuneration
	£ s.		£ s.
Under 30	7 5	45 and under 46 ...	8 10
		46 „ „ 47 ...	8 14
30 and under 31 ...	7 5	47 „ „ 48 ...	8 18
31 „ „ 32 ...	7 5	48 „ „ 49 ...	9 2
32 „ „ 33 ...	7 6	49 „ „ 50 ...	9 7
33 „ „ 34 ...	7 7		
34 „ „ 35 ...	7 8	50 „ „ 51 ...	9 12
		51 „ „ 52 ...	9 18
35 „ „ 36 ...	7 9	52 „ „ 53 ...	10 4
36 „ „ 37 ...	7 10	53 „ „ 54 ...	10 11
37 „ „ 38 ...	7 11	54 „ „ 55 ...	10 19
38 „ „ 39 ...	7 13		
39 „ „ 40 ...	7 15	55 and over ...	11 1 less four shillings for each completed year by which the officer's age exceeds fifty-five years.
40 „ „ 41 ...	7 17		
41 „ „ 42 ...	7 19		
42 „ „ 43 ...	8 1		
43 „ „ 44 ...	8 4		
44 „ „ 45 ...	8 7		

(*b*) SERVICE OF A FEMALE WHO IS A NURSE, MENTAL HEALTH OFFICER, PHYSIOTHERAPIST, MIDWIFE OR HEALTH VISITOR

	£ s.		£ s.
Under 20	6 0	40 and under 41 ...	8 17
		41 „ „ 42 ...	9 0
20 and under 21 ...	6 0	42 „ „ 43 ...	9 2
21 „ „ 22 ...	6 1	43 „ „ 44 ...	9 5
22 „ „ 23 ...	6 2	44 „ „ 45 ...	9 8
23 „ „ 24 ...	6 4		
24 „ „ 25 ...	6 7	45 „ „ 46 ...	9 12
		46 „ „ 47 ...	9 16
25 „ „ 26 ...	6 11	47 „ „ 48 ...	10 1
26 „ „ 27 ...	6 16	48 „ „ 49 ...	10 6
27 „ „ 28 ...	7 2	49 „ „ 50 ...	10 12
28 „ „ 29 ...	7 8		
29 „ „ 30 ...	7 14	50 „ „ 51 ...	10 19
		51 „ „ 52 ...	11 6
30 „ „ 31 ...	7 17	52 „ „ 53 ...	11 13
31 „ „ 32 ...	7 18	53 „ „ 54 ...	12 0
32 „ „ 33 ...	7 19	54 „ „ 55 ...	12 8
33 „ „ 34 ...	8 0		
34 „ „ 35 ...	8 2	55 and over ...	12 12 less five shillings for each completed year by which the officer's age exceeds fifty-five years.
35 „ „ 36 ...	8 4		
36 „ „ 37 ...	8 6		
37 „ „ 38 ...	8 8		
38 „ „ 39 ...	8 11		
39 „ „ 40 ...	8 14		

TABLE III

SERVICE AS A PRACTITIONER

Age	Amount appropriate in respect of each £100 of remuneration	Age	Amount appropriate in respect of each £100 of remuneration
	£ s.		£ s.
Under 25	4 17	45 and under 46 ...	7 15
		46 „ „ 47 ...	7 18
25 and under 26 ...	5 0	47 „ „ 48 ...	8 1
26 „ „ 27 ...	5 3	48 „ „ 49 ...	8 5
27 „ „ 28 ...	5 6	49 „ „ 50 ...	8 9
28 „ „ 29 ...	5 9		
29 „ „ 30 ...	5 12	50 „ „ 51 ...	8 13
		51 „ „ 52 ...	8 17
30 „ „ 31 ...	5 15	52 „ „ 53 ...	9 2
31 „ „ 32 ...	5 18	53 „ „ 54 ...	9 7
32 „ „ 33 ...	6 1	54 „ „ 55 ...	9 12
33 „ „ 34 ...	6 4		
34 „ „ 35 ...	6 7	55 „ „ 56 ...	9 17
		56 „ „ 57 ...	10 3
35 „ „ 36 ...	6 10	57 „ „ 58 ...	10 9
36 „ „ 37 ...	6 12	58 „ „ 59 ...	10 15
37 „ „ 38 ...	6 14	59 „ „ 60 ...	11 2
38 „ „ 39 ...	6 16		
39 „ „ 40 ...	6 18	60 and over ...	11 2 less seven shillings for each completed year by which the person's age exceeds sixty years.
40 „ „ 41 ...	7 0		
41 „ „ 42 ...	7 3		
42 „ „ 43 ...	7 6		
43 „ „ 44 ...	7 9		
44 „ „ 45 ...	7 12		

TABLE IV

(*a*) SERVICE OF A MALE OFFICER WHOSE EMPLOYMENT IS BY WAY OF MANUAL LABOUR

Age	Amount appropriate in respect of each £100 of remuneration	Age	Amount appropriate in respect of each £100 of remuneration
	£ s.		£ s.
Under 27	3 6	46 and under 47 ...	5 13
		47 „ „ 48 ...	5 17
27 and under 28 ...	3 6	48 „ „ 49 ...	6 1
28 „ „ 29 ...	3 7	49 „ „ 50 ...	6 5
29 „ „ 30 ...	3 8		
		50 „ „ 51 ...	6 10
30 „ „ 31 ...	3 10	51 „ „ 52 ...	6 15
31 „ „ 32 ...	3 12	52 „ „ 53 ...	7 1
32 „ „ 33 ...	3 14	53 „ „ 54 ...	7 7
33 „ „ 34 ...	3 16	54 „ „ 55 ...	7 14
34 „ „ 35 ...	3 18		
		55 „ „ 56 ...	8 2
35 „ „ 36 ...	4 1	56 „ „ 57 ...	8 10
36 „ „ 37 ...	4 4	57 „ „ 58 ...	8 19
37 „ „ 38 ...	4 6	58 „ „ 59 ...	9 8
38 „ „ 39 ...	4 9	59 „ „ 60 ...	9 18
39 „ „ 40 ...	4 12		
		60 and over ...	10 1 less five shillings for each completed year by which the officer's age exceeds sixty years.
40 „ „ 41 ...	4 15		
41 „ „ 42 ...	4 18		
42 „ „ 43 ...	5 1		
43 „ „ 44 ...	5 4		
44 „ „ 45 ...	5 7		
45 „ „ 46 ...	5 10		

(*b*) SERVICE OF A FEMALE OFFICER WHOSE EMPLOYMENT IS BY WAY OF MANUAL LABOUR

	£ s.		£ s.
Under 20	2 4	42 and under 43 ...	6 9
		43 „ „ 44 ...	6 13
20 and under 21 ...	2 4	44 „ „ 45 ...	6 17
21 „ „ 22 ...	2 7		
22 „ „ 23 ...	2 11	45 „ „ 46 ...	7 1
23 „ „ 24 ...	2 15	46 „ „ 47 ...	7 5
24 „ „ 25 ...	2 19	47 „ „ 48 ...	7 10
		48 „ „ 49 ...	7 15
25 „ „ 26 ...	3 3	49 „ „ 50 ...	8 0
26 „ „ 27 ...	3 7		
27 „ „ 28 ...	3 11	50 „ „ 51 ...	8 5
28 „ „ 29 ...	3 15	51 „ „ 52 ...	8 11
29 „ „ 30 ...	3 19	52 „ „ 53 ...	8 17
		53 „ „ 54 ...	9 3
30 „ „ 31 ...	4 3	54 „ „ 55 ...	9 10
31 „ „ 32 ...	4 7		
32 „ „ 33 ...	4 10	55 „ „ 56 ...	9 17
33 „ „ 34 ...	4 14	56 „ „ 57 ...	10 4
34 „ „ 35 ...	4 17	57 „ „ 58 ...	10 11
		58 „ „ 59 ...	10 18
35 „ „ 36 ...	5 1	59 „ „ 60 ...	11 5
36 „ „ 37 ...	5 5		
37 „ „ 38 ...	5 9	60 and over ...	11 11 less four shillings for each completed year by which the officer's age exceeds sixty years.
38 „ „ 39 ...	5 13		
39 „ „ 40 ...	5 17		
40 „ „ 41 ...	6 1		
41 „ „ 42 ...	6 5		

TABLE V

REDUCTION OF SUM PAYABLE BY A PERSON TO WHOM REGULATION 51 (1) APPLIES

Age	Service of a Male Officer (including a Practitioner)	Service of a Female Officer (including a Practitioner)
	£ s.	£ s.
Under 20	1 15	12
20 and under 21	1 17	13
21 " " 22	1 19	14
22 " " 23	2 1	16
23 " " 24	2 3	19
24 " " 25	2 5	1 3
25 " " 26	2 7	1 8
26 " " 27	2 9	1 14
27 " " 28	2 11	2 0
28 " " 29	2 13	2 7
29 " " 30	2 15	2 15
30 " " 31	2 18	3 4
31 " " 32	3 0	3 14
32 " " 33	3 2	4 4
33 " " 34	3 4	4 14
34 " " 35	3 7	5 3
35 " " 36	3 9	5 11
36 " " 37	3 12	5 18
37 " " 38	3 14	6 4
38 " " 39	3 17	6 10
39 " " 40	3 19	6 15
40 " " 41	4 2	7 0
41 " " 42	4 5	7 5
42 " " 43	4 8	7 10
43 " " 44	4 11	7 15
44 " " 45	4 14	8 1
45 " " 46	4 18	8 7
46 " " 47	5 2	8 13
47 " " 48	5 6	8 19
48 " " 49	5 10	9 5
49 " " 50	5 14	9 12
50 " " 51	5 19	9 19
51 " " 52	6 4	10 7
52 " " 53	6 9	10 15
53 " " 54	6 14	11 3
54 " " 55	7 0	11 12
55 " " 56	7 6	12 1
56 " " 57	7 13	12 11
57 " " 58	8 0	13 1
58 " " 59	8 8	13 12
59 " " 60	8 16	14 3
60 " " 61	9 5	14 3
61 " " 62	9 14	14 3
62 " " 63	10 4	14 3
63 " " 64	10 14	14 3
64 " " 65	11 3	14 3

THIRD SCHEDULE

PROVISIONS WHICH MAY BE USED FOR THE CALCULATION OF CERTAIN TRANSFER VALUES PAYABLE BY THE SECRETARY OF STATE, AND DIRECTIONS FOR THE USE OF THE SUBJOINED TABLES IN CONNECTION THEREWITH.

Regulation 76 (1)

1. In this schedule, the following expressions, unless the context otherwise requires, have the meanings hereby assigned to them—

"the material date", in relation to any person in respect of whom a transfer value is being calculated, means the date upon which he ceased to hold his employment as an officer under the employing authority or, if on ceasing to hold that employment he became engaged in national service and continued during the whole or part of that service to make the contributions required by regulation 9, the last date in respect of which he made those contributions;

"remuneration", in relation to any person, other than a practitioner, means the annual remuneration of his employment under the employing authority on which contributions were payable by him on the material date, and in relation to a practitioner, means the annual average of his remuneration in respect of all periods of service as a practitioner:

Provided that—

(*a*) if, for the purposes of the foregoing definition, account is required to be taken of any fees payable to a person, other than a practitioner, in respect of any employment, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that employment during the three years immediately preceding the material date or, if that employment was of shorter duration, such shorter period; and

(*b*) references in the foregoing definition to contributions payable by any person shall include references to contributions which would have been payable by him but for any reduction in or suspension of his remuneration by reason of his absence from duty owing to ill-health or injury;

"service", in relation to a person who in the employment he has ceased to hold was in the whole-time employment of a single employing authority means, in respect of any period of previous part-time employment, whole-time service for a proportionately reduced period; and

"contributing service", in relation to any period of service in respect of which a person was in the course of making additional contributory payments, shall, if that period would, apart from the making of such payments, be reckonable as non-contributing service, be construed as meaning service of one-half the actual length of that period of service, and if that period would not, apart from the making of such payments, be reckonable as a period of service, be disregarded.

2. The transfer value payable in respect of any person shall be the aggregate of the sums respectively calculated in accordance with the provisions of paragraphs 3, 4 and 5 of this schedule:

Provided that—

(*a*) in the case of a person, not being a practitioner, whose service includes service as a practitioner, separate transfer values shall be calculated in respect of his service in the two capacities, by reference to his remuneration as such person and his remuneration as a practitioner respectively;

(*b*) in the case of a practitioner whose service includes service otherwise than as a practitioner, separate transfer values shall be calculated in respect of his service in the two capacities, as if in relation to his service otherwise than in the capacity of a practitioner the material date for the purpose of ascertaining his remuneration was the date on which he ceased to hold his last employment before becoming a practitioner, and his remuneration was the annual remuneration of the employment on which contributions were payable by him on that date or, if in that employment he was not an officer of an employing authority, the annual emoluments of that employment;

(*c*) in the case of a person whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty years, the calculation required to be made by reference to his contributing service and non-contributing service shall be made by reference to forty years' contributing service, and if he is such a person as is mentioned in proviso (*a*) or (*b*) to this paragraph, his service as a practitioner and his service in any other capacity shall be reduced proportionally to their actual lengths, any non-contributing service being reckoned at half its actual length; and

(*d*) if in relation to the employment which the person has ceased to hold he was in the course of making additional contributory payments, the transfer value shall be increased by an amount equal to the aggregate amount of the additional contributory payments so made.

3.—(1) The sum to be calculated by reference to a person's contributing service shall be ascertained in accordance with the provisions of this paragraph.

(2) The amounts shown under the heading "contributing service" in the appropriate column of the relative Table in relation to an age which corresponds with that of the person at the material date are to be multiplied respectively by the number of years, and of months aggregating less than one year, of contributing service reckonable at the material date.

(3) The sum of the two products aforesaid is an amount appropriate in respect of one hundred pounds of remuneration.

(4) A total amount is to be calculated proportionately by reference to the remuneration of the person.

(5) Where a person's service has not been continuous and each of two or more periods thereof consists of or includes a period of contributing service of less than one month, then, if a sum falls to be calculated under sub-paragraph (2) of this paragraph the periods of contributing service of less than one month shall be aggregated and, of the aggregate, each period of thirty days shall be counted as one month and any number of days smaller than thirty shall be disregarded.

(6) Where a person has less than one month's contributing service the transfer value payable in respect of that service shall be the aggregate of the contributions paid or payable by him and by the employing authority in respect of that service.

4.—(1) The sum to be calculated by reference to a person's non-contributing service shall be ascertained in accordance with the provisions of this paragraph.

(2) The amount shown in the column under the heading "non-contributing service" in the relative Table in relation to an age which corresponds with that of the person at the material date is to be multiplied by the number of years of non-contributing service reckonable at the material date. For this purpose a period of six months or more of an uncompleted year shall be treated as a completed year, and any shorter period shall be disregarded.

(3) The product aforesaid is an amount appropriate in respect of one hundred pounds of remuneration.

(4) A total amount is to be calculated proportionately by reference to the remuneration of the person.

(5) Where a person's service has not been continuous and each of two or more periods thereof consists of or includes a period of non-contributing service of less than one month, the periods of non-contributing service of less than one month shall be aggregated and, of the agregate, each period of thirty days shall be counted as one month, and any number of days smaller than thirty shall be disregarded.

5. In the case of a person to whom paragraph (2) of regulation 51 or the corresponding provision of the previous regulations applied immediately before the material date, any sum calculated under paragraph 3 or 4 of this schedule in respect of any period of service of which account would have been taken under paragraph (3) of regulation 51 or the corresponding provision of the

previous regulations in calculating the amount of the reduction of any pension to which the person might have become entitled under these regulations, or the previous regulations shall be reduced by the sum shown in the appropriate column of Table V set out in the second schedule to these regulations in relation to an age which corresponds with that of the person at the material date, in respect of each one pound of the amount of the reduction of the pension as aforesaid in respect of that period of service, and by a proportionate sum in respect of any fraction of a pound included in the said amount.

TABLE I

(*a*) SERVICE OF A MALE OFFICER, NOT BEING AN OFFICER MENTIONED IN TABLE II (*a*) OR IV (*a*) (OTHER THAN SERVICE AS A PRACTITIONER)

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed period of service, namely:—		
	Contributing Service		Non-Contributing Service
	year (2)	month (3)	year (4)
	£ s.	£ s.	£ s.
Under 35	10 10	18	5 5
35 and under 36 ...	10 10	18	5 5
36 „ „ 37 ...	10 11	18	5 6
37 „ „ 38 ...	10 12	18	5 6
38 „ „ 39 ...	10 14	18	5 7
39 „ „ 40 ...	10 16	18	5 8
40 „ „ 41 ...	10 19	18	5 9
41 „ „ 42 ...	11 2	19	5 11
42 „ „ 43 ...	11 6	19	5 13
43 „ „ 44 ...	11 10	19	5 15
44 „ „ 45 ...	11 15	1 0	5 17
45 „ „ 46 ...	12 0	1 0	6 0
46 „ „ 47 ...	12 5	1 0	6 3
47 „ „ 48 ...	12 11	1 1	6 6
48 „ „ 49 ...	12 17	1 1	6 9
49 „ „ 50 ...	13 4	1 2	6 12
50 „ „ 51 ...	13 11	1 3	6 15
51 „ „ 52 ...	13 18	1 3	6 19
52 „ „ 53 ...	14 5	1 4	7 3
53 „ „ 54 ...	14 13	1 4	7 7
54 „ „ 55 ...	15 1	1 5	7 10
55 „ „ 56 ...	15 9	1 6	7 14
56 „ „ 57 ...	15 17	1 6	7 18
57 „ „ 58 ...	16 4	1 7	8 2
58 „ „ 59 ...	16 11	1 8	8 6
59 „ „ 60 ...	16 18	1 8	8 9
60 „ „ 61 ...	17 4	1 8	8 12
61 „ „ 62 ...	17 9	1 9	8 15
62 „ „ 63 ...	17 13	1 9	8 17
63 „ „ 64 ...	17 16	1 10	8 18
64 and over	17 18	1 10	8 19

TABLE I

(*b*) SERVICE OF A FEMALE OFFICER, NOT BEING A FEMALE OFFICER MENTIONED IN TABLE II (*b*) OR IV (*b*) (OTHER THAN SERVICE AS A PRACTITIONER)

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed period of service, namely:—		
	Contributing Service		Non-Contributing Service
	year (2)	month (3)	year (4)
	£ s.	£ s.	£ s.
Under 20	6 12	11	1 5
20 and under 21 ...	6 12	11	1 5
21 „ „ 22 ...	6 14	11	1 8
22 „ „ 23 ...	6 17	12	1 11
23 „ „ 24 ...	6 19	12	1 15
24 „ „ 25 ...	7 2	12	1 18
25 „ „ 26 ...	7 6	12	2 2
26 „ „ 27 ...	7 11	13	2 7
27 „ „ 28 ...	7 18	13	2 13
28 „ „ 29 ...	8 6	14	3 1
29 „ „ 30 ...	8 16	15	3 9
30 „ „ 31 ...	9 8	16	3 18
31 „ „ 32 ...	10 0	17	4 7
32 „ „ 33 ...	10 12	18	4 16
33 „ „ 34 ...	11 2	19	5 4
34 „ „ 35 ...	11 10	19	5 10
35 „ „ 36 ...	11 17	1 0	5 16
36 „ „ 37 ...	12 3	1 0	6 1
37 „ „ 38 ...	12 8	1 1	6 4
38 „ „ 39 ...	12 12	1 1	6 6
39 „ „ 40 ...	12 17	1 1	6 8
40 „ „ 41 ...	13 2	1 2	6 11
41 „ „ 42 ...	13 8	1 2	6 14
42 „ „ 43 ...	13 14	1 3	6 17
43 „ „ 44 ...	14 1	1 3	7 0
44 „ „ 45 ...	14 8	1 4	7 4
45 „ „ 46 ...	14 15	1 5	7 7
46 „ „ 47 ...	15 2	1 5	7 11
47 „ „ 48 ...	15 9	1 6	7 14
48 „ „ 49 ...	15 16	1 6	7 18
49 „ „ 50 ...	16 3	1 7	8 2
50 „ „ 51 ...	16 11	1 8	8 6
51 „ „ 52 ...	16 19	1 8	8 10
52 „ „ 53 ...	17 7	1 9	8 14
53 „ „ 54 ...	17 16	1 10	8 18
54 „ „ 55 ...	18 6	1 11	9 3
55 „ „ 56 ...	18 17	1 11	9 8
56 „ „ 57 ...	19 9	1 12	9 14
57 „ „ 58 ...	20 1	1 13	10 0
58 „ „ 59 ...	20 13	1 14	10 6
59 and over	21 5	1 15	10 12

TABLE II

(*a*) SERVICE OF A MALE WHO IS A MENTAL HEALTH OFFICER WHO BECOMES EMPLOYED AS A MENTAL HEALTH OFFICER

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed period of service, namely:—		
	Contributing Service		Non-Contributing Service
	year (2)	month (3)	year (4)
	£ s.	£ s.	£ s.
Under 32	14 6	1 4	7 3
32 and under 33 ...	14 6	1 4	7 3
33 " " 34 ...	14 8	1 4	7 4
34 " " 35 ...	14 10	1 4	7 5
35 " " 36 ...	14 13	1 4	7 6
36 " " 37 ...	14 16	1 5	7 8
37 " " 38 ...	14 19	1 5	7 10
38 " " 39 ...	15 3	1 5	7 12
39 " " 40 ...	15 7	1 6	7 14
40 " " 41 ...	15 11	1 6	7 16
41 " " 42 ...	15 15	1 6	7 18
42 " " 43 ...	16 0	1 7	8 0
43 " " 44 ...	16 5	1 7	8 2
44 " " 45 ...	16 10	1 8	8 5
45 " " 46 ...	16 16	1 8	8 8
46 " " 47 ...	17 2	1 9	8 11
47 " " 48 ...	17 9	1 9	8 14
48 " " 49 ...	17 16	1 10	8 18
49 " " 50 ...	18 3	1 10	9 2
50 " " 51 ...	18 11	1 11	9 6
51 " " 52 ...	19 0	1 12	9 10
52 " " 53 ...	19 9	1 12	9 14
53 " " 54 ...	19 17	1 13	9 18
54 " " 55 ...	20 1	1 13	10 0
55 " " 56 ...	20 2	1 14	10 1
56 " " 57 ...	20 3	1 14	10 1
57 " " 58 ...	20 4	1 14	10 2
58 " " 59 ...	20 4	1 14	10 2
59 and over	20 4	1 14	10 2

TABLE II

(*b*) SERVICE OF A FEMALE WHO IS A NURSE, MENTAL HEALTH OFFICER, PHYSIOTHERAPIST, MIDWIFE OR HEALTH VISITOR WHO BECOMES EMPLOYED AS A NURSE, MENTAL HEALTH OFFICER, PHYSIOTHERAPIST, MIDWIFE OR HEALTH VISITOR

Age	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed period of service, namely:—		
	Contributing Service		Non-Contributing Service
(1)	year (2)	month (3)	year (4)
	£ s.	£ s.	£ s.
Under 23	8 0	13	2 3
23 and under 24 ...	8 0	13	2 3
24 „ „ 25 ...	8 4	14	2 7
25 „ „ 26 ...	8 12	14	2 13
26 „ „ 27 ...	9 3	15	3 1
27 „ „ 28 ...	9 17	16	3 11
28 „ „ 29 ...	10 12	18	4 2
29 „ „ 30 ...	11 8	19	4 13
30 „ „ 31 ...	12 4	1 0	5 4
31 „ „ 32 ...	13 0	1 2	5 16
32 „ „ 33 ...	13 15	1 3	6 7
33 „ „ 34 ...	14 10	1 4	6 18
34 „ „ 35 ...	15 3	1 5	7 8
35 „ „ 36 ...	15 14	1 6	7 17
36 „ „ 37 ...	16 3	1 7	8 2
37 „ „ 38 ...	16 11	1 8	8 6
38 „ „ 39 ...	16 18	1 8	8 9
39 „ „ 40 ...	17 4	1 9	8 12
40 „ „ 41 ...	17 9	1 9	8 15
41 „ „ 42 ...	17 14	1 10	8 17
42 „ „ 43 ...	17 19	1 10	9 0
43 „ „ 44 ...	18 5	1 10	9 3
44 „ „ 45 ...	18 11	1 11	9 6
45 „ „ 46 ...	18 17	1 11	9 9
46 „ „ 47 ...	19 4	1 12	9 12
47 „ „ 48 ...	19 12	1 13	9 16
48 „ „ 49 ...	20 1	1 13	10 1
49 „ „ 50 ...	20 11	1 14	10 6
50 „ „ 51 ...	21 2	1 15	10 11
51 „ „ 52 ...	21 13	1 16	10 17
52 „ „ 53 ...	22 4	1 17	11 2
53 „ „ 54 ...	22 15	1 18	11 7
54 and over	23 0	1 18	11 10

TABLE III

SERVICE AS A PRACTITIONER

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed period of service, namely:— year (2)	month (3)
	£ s.	£ s.
Under 25	8 4	14
25 and under 26	8 12	14
26 „ „ 27	8 19	15
27 „ „ 28	9 5	15
28 „ „ 29	9 10	16
29 „ „ 30	9 15	16
30 „ „ 31	10 0	17
31 „ „ 32	10 5	17
32 „ „ 33	10 10	18
33 „ „ 34	10 14	18
34 „ „ 35	10 18	18
35 „ „ 36	11 2	19
36 „ „ 37	11 5	19
37 „ „ 38	11 8	19
38 „ „ 39	11 10	19
39 „ „ 40	11 13	19
40 „ „ 41	11 16	1 0
41 „ „ 42	12 0	1 0
42 „ „ 43	12 3	1 0
43 „ „ 44	12 7	1 1
44 „ „ 45	12 11	1 1
45 „ „ 46	12 15	1 1
46 „ „ 47	13 0	1 2
47 „ „ 48	13 5	1 2
48 „ „ 49	13 11	1 3
49 „ „ 50	13 16	1 3
50 „ „ 51	14 2	1 4
51 „ „ 52	14 8	1 4
52 „ „ 53	14 14	1 5
53 „ „ 54	15 1	1 5
54 „ „ 55	15 8	1 6
55 „ „ 56	15 15	1 6
56 „ „ 57	16 2	1 7
57 „ „ 58	16 9	1 7
58 „ „ 59	16 16	1 8
59 „ „ 60	17 3	1 9
60 „ „ 61	17 10	1 9
61 „ „ 62	17 17	1 10
62 „ „ 63	18 4	1 10
63 „ „ 64	18 12	1 11
64 and over	19 0	1 12

TABLE IV

(*a*) SERVICE OF A MALE OFFICER WHOSE EMPLOYMENT IS BY WAY OF MANUAL LABOUR

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed period of service, namely:—		
	Contributing Service		Non-Contributing Service
	year (2)	month (3)	year (4)
	£ s.	£ s.	£ s.
Under 25	6 5	10	2 16
25 and under 26 ...	6 5	10	2 16
26 „ „ 27 ...	6 7	11	2 18
27 „ „ 28 ...	6 9	11	3 0
28 „ „ 29 ...	6 12	11	3 3
29 „ „ 30 ...	6 15	11	3 6
30 „ „ 31 ...	6 19	12	3 9
31 „ „ 32 ...	7 3	12	3 12
32 „ „ 33 ...	7 7	12	3 14
33 „ „ 34 ...	7 11	13	3 16
34 „ „ 35 ...	7 16	13	3 18
35 „ „ 36 ...	8 1	13	4 0
36 „ „ 37 ...	8 6	14	4 3
37 „ „ 38 ...	8 11	14	4 5
38 „ „ 39 ...	8 16	15	4 8
39 „ „ 40 ...	9 2	15	4 11
40 „ „ 41 ...	9 8	16	4 14
41 „ „ 42 ...	9 15	16	4 17
42 „ „ 43 ...	10 1	17	5 0
43 „ „ 44 ...	10 7	17	5 3
44 „ „ 45 ...	10 14	18	5 7
45 „ „ 46 ...	11 0	18	5 10
46 „ „ 47 ...	11 6	19	5 13
47 „ „ 48 ...	11 13	19	5 16
48 „ „ 49 ...	12 0	1 0	6 0
49 „ „ 50 ...	12 8	1 1	6 4
50 „ „ 51 ...	12 16	1 1	6 8
51 „ „ 52 ...	13 5	1 2	6 12
52 „ „ 53 ...	13 14	1 3	6 17
53 „ „ 54 ...	14 3	1 4	7 2
54 „ „ 55 ...	14 13	1 4	7 7
55 „ „ 56 ...	15 3	1 5	7 12
56 „ „ 57 ...	15 14	1 6	7 17
57 „ „ 58 ...	16 5	1 7	8 2
58 „ „ 59 ...	16 13	1 8	8 6
59 „ „ 60 ...	16 18	1 8	8 9
60 „ „ 61 ...	17 2	1 9	8 11
61 „ „ 62 ...	17 5	1 9	8 13
62 „ „ 63 ...	17 7	1 9	8 14
63 „ „ 64 ...	17 9	1 9	8 15
64 and over	17 11	1 9	8 16

TABLE IV

(*b*) SERVICE OF A FEMALE OFFICER WHOSE EMPLOYMENT IS BY WAY OF MANUAL LABOUR

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed period of service, namely:—		
	Contributing Service		Non-Contributing Service
	year (2)	month (3)	year (4)
	£ s.	£ s.	£ s.
Under 20	4 17	8	12
20 and under 21 ...	4 17	8	12
21 „ „ 22 ...	5 0	8	15
22 „ „ 23 ...	5 4	9	18
23 „ „ 24 ...	5 8	9	1 1
24 „ „ 25 ...	5 12	9	1 5
25 „ „ 26 ...	5 17	10	1 9
26 „ „ 27 ...	6 3	10	1 14
27 „ „ 28 ...	6 9	11	2 0
28 „ „ 29 ...	6 16	11	2 6
29 „ „ 30 ...	7 3	12	2 12
30 „ „ 31 ...	7 11	13	2 19
31 „ „ 32 ...	8 0	13	3 6
32 „ „ 33 ...	8 10	14	3 14
33 „ „ 34 ...	9 0	15	4 3
34 „ „ 35 ...	9 11	16	4 11
35 „ „ 36 ...	10 1	17	4 19
36 „ „ 37 ...	10 10	18	5 5
37 „ „ 38 ...	10 18	18	5 9
38 „ „ 39 ...	11 6	19	5 13
39 „ „ 40 ...	11 14	1 0	5 17
40 „ „ 41 ...	12 2	1 0	6 1
41 „ „ 42 ...	12 8	1 1	6 4
42 „ „ 43 ...	12 16	1 1	6 8
43 „ „ 44 ...	13 4	1 2	6 12
44 „ „ 45 ...	13 12	1 3	6 16
45 „ „ 46 ...	14 0	1 3	7 0
46 „ „ 47 ...	14 8	1 4	7 4
47 „ „ 48 ...	14 16	1 5	7 8
48 „ „ 49 ...	15 5	1 5	7 12
49 „ „ 50 ...	15 14	1 6	7 17
50 „ „ 51 ...	16 3	1 7	8 1
51 „ „ 52 ...	16 12	1 8	8 6
52 „ „ 53 ...	17 1	1 8	8 11
53 „ „ 54 ...	17 11	1 9	8 16
54 „ „ 55 ...	18 2	1 10	9 1
55 „ „ 56 ...	18 14	1 11	9 7
56 „ „ 57 ...	19 6	1 12	9 13
57 „ „ 58 ...	19 19	1 13	9 19
58 „ „ 59 ...	20 12	1 14	10 6
59 and over	21 5	1 15	10 12

FOURTH SCHEDULE

REDUCTION OF PENSION UNDER PARAGRAPH (3) OF REGULATION 51

TABLE I

APPLICABLE TO A FEMALE WHO IS A NURSE, MENTAL HEALTH OFFICER, PHYSIOTHERAPIST, MIDWIFE OR HEALTH VISITOR

Regulation 51 (3)

Age	Annual Sum	Age	Annual Sum
	£ s. d.		£ s. d.
Under 20 ...	1 14 0	33 and under 34	13 6
20 and under 21	1 11 0	34 „ „ 35	13 0
21 „ „ 22	1 8 0		
22 „ „ 23	1 5 6	35 „ „ 36	13 0
23 „ „ 24	1 3 0	36 „ „ 37	12 6
24 „ „ 25	1 1 0	37 „ „ 38	12 6
		38 „ „ 39	12 6
25 „ „ 26	19 6	39 „ „ 40	12 0
26 „ „ 27	18 0		
27 „ „ 28	17 0	40 „ „ 41	12 0
28 „ „ 29	16 0	41 „ „ 42	12 0
29 „ „ 30	15 6	42 „ „ 43	11 6
		43 „ „ 44	11 6
30 „ „ 31	15 0	44 „ „ 45	11 0
31 „ „ 32	14 6		
32 „ „ 33	14 0	45 and over ...	11 0

TABLE II

OFFICER, OTHER THAN A FEMALE OFFICER MENTIONED IN TABLE I

Age	Annual Sum	
	Men	Women
	£ s. d.	£ s. d.
Under 20	1 14 0	1 14 0
20 and under 21	1 13 0	1 11 6
21 „ „ 22	1 12 6	1 9 6
22 „ „ 23	1 12 0	1 7 6
23 „ „ 24	1 11 0	1 5 6
24 „ „ 25	1 10 6	1 4 0
25 „ „ 26	1 10 0	1 2 6
26 „ „ 27	1 9 6	1 1 0
27 „ „ 28	1 9 0	1 0 0
28 „ „ 29	1 8 6	19 0
29 „ „ 30	1 8 0	18 0
30 „ „ 31	1 7 6	17 6
31 „ „ 32	1 7 0	17 0
32 „ „ 33	1 6 0	16 6
33 „ „ 34	1 5 6	16 0
34 „ „ 35	1 5 0	15 6
35 „ „ 36	1 4 6	15 0
36 „ „ 37	1 4 0	14 6
37 „ „ 38	1 3 6	14 0
38 „ „ 39	1 3 0	13 6
39 „ „ 40	1 2 6	13 6
40 „ „ 41	1 2 0	13 0
41 „ „ 42	1 1 6	13 0
42 „ „ 43	1 1 0	12 6
43 „ „ 44	1 0 6	12 6
44 „ „ 45	1 0 0	12 0
45 „ „ 46	19 6	12 0
46 „ „ 47	19 0	12 0
47 „ „ 48	18 6	11 6
48 „ „ 49	18 0	11 6
49 „ „ 50	17 6	11 0
50 „ „ 51	17 0	11 0
51 „ „ 52	17 0	11 0
52 „ „ 53	16 6	11 0
53 „ „ 54	16 0	11 0
54 „ „ 55	15 6	11 0
55 and over	15 6	11 0

FIFTH SCHEDULE

REDUCTION OF PENSION AND RETIRING ALLOWANCE UNDER PARAGRAPH 2 OF REGULATION 77

PART I—PENSION

'Regulation 77 (2)

Age of person at date on which benefit under regulation 77 (2) (*b*) accrues:—	Percentage reduction to be made under proviso (i) to regulation 77 (2) by reference to the undermentioned minimum age at which the person would have been entitled to a pension under these regulations in the circumstances therein mentioned:—										
	55	56	57	58	59	60	61	62	63	64	65
45	46	50	53	56	59	62	65	67	69	71	73
46	43	47	51	54	57	60	63	65	67	70	72
47	40	44	48	51	55	58	61	63	65	68	71
48	36	41	45	48	52	56	59	61	63	66	69
49	32	37	42	45	49	53	56	59	61	64	67
50	28	33	38	42	46	50	53	56	59	62	65
51	23	29	34	38	43	47	50	53	57	60	63
52	18	24	30	34	39	43	47	50	54	58	61
53	13	19	25	30	35	39	44	47	51	55	58
54	7	13	20	25	31	35	40	44	48	52	55
55	—	7	14	20	26	31	36	41	45	49	52
56	—	—	7	14	20	26	31	37	41	46	49
57	—	—	—	7	14	20	26	32	37	42	46
58	—	—	—	—	7	14	20	27	32	38	42
59	—	—	—	—	—	7	14	21	27	33	38
60	—	—	—	—	—	—	7	15	21	28	33
61	—	—	—	—	—	—	—	8	15	22	28
62	—	—	—	—	—	—	—	—	8	16	23
63	—	—	—	—	—	—	—	—	—	9	17
64	—	—	—	—	—	—	—	—	—	—	9

PART II—RETIRING ALLOWANCE

Age of person at date on which benefit under regulation 77 (2) (*b*) accrues:—	Percentage reduction to be made under proviso (i) to regulation 77 (2) by reference to the undermentioned minimum age at which the person would have been entitled to a retiring allowance under these regulations in the circumstances therein mentioned:—										
	55	56	57	58	59	60	61	62	63	64	65
45	31	33	36	38	41	43	45	47	50	52	54
46	28	31	34	36	39	41	43	45	48	50	52
47	25	28	31	34	37	39	41	44	46	48	50
48	23	26	29	32	35	37	39	42	44	46	49
49	20	23	26	29	32	35	37	40	42	45	47
50	17	20	23	26	29	32	35	38	40	43	45
51	14	18	21	24	27	30	33	35	38	41	43
52	11	14	18	21	24	27	30	33	36	39	41
53	8	11	15	18	22	25	28	31	34	36	39
54	4	8	11	15	19	22	25	28	31	34	37
55	—	4	8	12	15	19	22	26	29	32	35
56	—	—	4	8	12	15	19	23	26	29	32
57	—	—	—	4	8	12	16	20	23	26	29
58	—	—	—	—	4	8	12	16	20	23	26
59	—	—	—	—	—	4	8	12	16	20	23
60	—	—	—	—	—	—	4	9	13	16	20
61	—	—	—	—	—	—	—	5	9	13	17
62	—	—	—	—	—	—	—	—	5	9	14
63	—	—	—	—	—	—	—	—	—	5	10
64	—	—	—	—	—	—	—	—	—	—	5

Table of Enactments referred to in these Regulations

The Interpretation Act, 1889...	52 & 53 Vict. c. 63.
The Asylums Officers' Superannuation Act, 1909	9 Edw. 7. c. 48.
The Highlands and Islands (Medical Service) Grant Act, 1913	3 & 4 Geo. 5. c. 26.
The Superannuation (Prison Officers) Act, 1919	9 & 10 Geo. 5. c. 67.
The Local Government and Other Officers' Superannuation Act, 1922	12 & 13 Geo. 5. c. 59.
The Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
The Highlands and Islands (Medical Service) Additional Grant Act, 1929	20 & 21 Geo. 5. c. 13.
The Widows', Orphans and Old Age Contributory Pensions Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 33.
The Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 69.
The Civil Defence Act, 1939...	2 & 3 Geo. 6. c. 31.
The Local Government Staffs (War Service) Act, 1939 ...	2 & 3 Geo. 6. c. 94.
The Education (Scotland) (War Service Superannuation) Act, 1939	2 & 3 Geo. 6. c. 96.
The Superannuation Schemes (War Service) Act, 1940 ...	3 & 4 Geo. 6. c. 26.
The National Health Insurance Contributory Pensions and Workmen's Compensation Act, 1941	4 & 5 Geo. 6. c. 39.
The Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
The National Insurance (Industrial Injuries) Act, 1946 ...	9 & 10 Geo. 6. c. 62.
The National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
The National Insurance Acts, 1946...	9 & 10 Geo. 6. cc. 62 and 67.
The Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
The National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
The Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946...	1946, c. 19 (N.I.).
The Pensions (Increase) Act, 1947	10 & 11 Geo. 6. c. 7.
The National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
The Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
The Health Services Act (Northern Ireland), 1948 ...	1948, c 3 (N.I.).
The Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.
The National Health Service (Amendment) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 93.
The National Health Service Act, 1951	14 & 15 Geo. 6. c. 31.
The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951...	14 & 15 Geo. 6. c. 65.
The National Health Service Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.
The Local Government Superannuation Act, 1953 ...	1 & 2 Eliz. 2. c. 25.
The Finance Act, 1956	4 & 5 Eliz. 2. c. 54.
The Superannuation Act, 1957	5 & 6 Eliz. 2. c. 37.
The Mental Health (Scotland) Act, 1960	8 & 9 Eliz. 2. c. 61.
The National Health Service (Scotland) (Superannuation) Regulations, 1948	S.I. 1948/412 (Rev. XV, p. 1050: 1948 I, p. 2478).
The National Health Service (Scotland) (Superannuation) (Amendment) Regulations, 1949	S.I. 1949/1479 (1949 I, p. 2669).
The National Health Service (Scotland) (Superannuation) Regulations, 1950	S.I. 1950/498 (1950 I, p. 1458).

Table of Enactments referred to in these Regulations (*cont.*)

The Local Government Superannuation (Benefits) (Scotland) Regulations, 1954	S.I. 1954/1059 (1954 II, p. 1632).
The National Health Service (Superannuation) (Scotland) Regulations, 1955	S.I. 1955/1143 (1955 I, p. 1470).
The National Health Service (General Medical and Pharmaceutical Service) (Scotland) Regulations, 1955	S.I. 1955/1942 (1955 I, p. 1418).
The Teachers (Superannuation) (Scotland) Regulations, 1957	S.I. 1957/356 (1957 I, p. 733).
The National Health Service (Superannuation) (Scotland) Amendment Regulations, 1960	S.I. 1960/1209 (1960 II, p. 2128).

EXPLANATORY NOTE

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

These regulations consolidate with amendments the regulations in force under section 66 (1) of the National Health Service (Scotland) Act, 1947, which provide for the superannuation of persons engaged in the National Health Service in Scotland (except employees of local health authorities and education authorities).

The main changes are—

(*a*) provision is made for the extension by the Secretary of State of the periods of time during which certain applications and payments may be made to the Secretary of State for the purpose of reckoning service (regulations 2 (2), 19 (1) proviso (*a*), 23 (2) proviso (ii), 31 proviso, 32 (2), 33 (2) (*a*), 46 (6), 75 (1) proviso (*a*) and 76 (6) (*c*));

(*b*) a person is not to be treated as an officer within the meaning of the regulations in respect of an honorary appointment, but the period during which such an appointment is held will not be taken into account in determining whether a disqualifying break in service has occurred; and options, supplementary payments and modification rights are preserved during that period (regulation 5);

(*c*) where, in calculating an injury allowance, no payment is found to be due, contributions are to be returnable (regulations 12 and 36 (1) (*d*));

(*d*) an employee whose remuneration is suspended owing to illness or injury will cease to be an officer within the meaning of the regulations from the date of the suspension. In this case, or where the illness or injury has resulted in the termination of the person's superannuable employment, a period of incapacity of up to two years (or longer at the Secretary of State's discretion) will not in future be taken into account in determining whether a disqualifying break in service has occurred. The amendments preserve rights as to options, supplementary payments and modification of benefits. Consequential changes are made in relation to general medical and dental practitioners (regulations 20 and 62 (3));

(*e*) a person transferring to or from certain classes of employment in the health or local government service in Northern Ireland or the Isle of Man (as well as certain teaching appointments in Scotland) is to

be able to reckon previous service despite an intervening break attending a course of study or training between the employments. Transfer values are to be paid accordingly (regulations 21, 74 and 79);

(*f*) a person who devotes substantially the whole of his time to part-time specialist services for any period is a practitioner within the meaning of the regulations but, if it is to his advantage, that period will be treated as service as an officer in calculating his benefits on retirement (regulations 2 (2), 11 (3) and (4) and regulation 11 as substituted by regulation 63);

(*g*) a person in receipt of a pension who is re-employed as an assistant practitioner within the meaning of the regulations is to be treated as being paid out of public funds and consequential adjustments in his pension may be made (regulations 40 and 70 (*c*)); and

(*h*) a person whose rights under the regulations are preserved while he is in approved employment outside the health service is to be entitled to receive the return of his contributions on giving notice for the cancellation of the approval of his employment (regulation 77 (4)).