1961 No. 206 (S. 11)

NATIONAL INSURANCE

The National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1961

Made - - - -	1*st February*, 1961
Laid before Parliament	8*th February*, 1961
Coming into Operation	3*rd April*, 1961

In exercise of the powers conferred on me by subsection (4) of section 69 of the National Insurance Act, 1946(**a**), as extended by section 15 of the National Insurance Act, 1959(**b**), and of all other powers enabling me in that behalf I hereby make the following regulations:—

Citation and Commencement

1. These regulations may be cited as the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1961 and shall come into operation on the third day of April, 1961.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

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

"general Act scheme" means the Local Government Superannuation (Scotland) Acts, 1937 to 1953, and the rules and regulations for the time being in force thereunder so far as they relate to persons who are contributory employees and includes the provisions of any local enactment relating to the contributory employees of a particular local authority;

"local Act scheme" has the same meaning as in the Local Government Superannuation (Scotland) Act, 1937(**c**), and includes any such scheme which is applied to any particular class of employee by regulations made under the Local Government Superannuation Act, 1953(**d**);

"contributory employee" has the same meaning as in the Local Government Superannuation (Scotland) Act, 1937, and includes a person deemed to be a contributory employee;

"local Act contributor" has the same meaning as in the Local Government Superannuation (Scotland) Act, 1937, and includes a person deemed to be a local Act contributor;

"pensionable age", in relation to a female contributory employee or female local Act contributor, means the earliest age at which, if she were to remain such an employee or contributor without any break in service, she would become entitled, on ceasing to be employed, to a retirement pension other than a pension payable in consequence of her being incapable of discharging efficiently the duties of her employment by reason of permanent ill-health or infirmity of mind or body; and other expressions have the same meaning as in the Act.

(2) References in these regulations to the provisions of any enactment or regulations shall, unless the context otherwise requires, be construed as

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47. (c) 1 Edw. 8 & 1 Geo. 6. c. 69.
(d) 1 & 2 Eliz. 2. c. 25.

references to those provisions as amended, extended, applied or re-enacted by any subsequent enactment or regulation, including these regulations.

(3) The Interpretation Act, 1889(a), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Modification of Superannuation Schemes

3. The general Act scheme and any local Act scheme shall, as from the commencement of these regulations, have effect subject to the modifications contained in regulations 4 and 5 of these regulations, being modifications required to secure that the benefits conferred by those schemes are equivalent pension benefits for the purposes of Part II of the Act.

Commencement of Benefits not later than Insured Pensionable Age

4.—(1) Notwithstanding any provision contained in the general Act scheme or any local Act scheme to the effect that a benefit is not payable to an employee who attains the age of sixty years unless the employee has completed forty years' service, a female contributory employee or a female local Act contributor not otherwise entitled to receive a benefit under either such scheme shall be entitled thereunder to receive the benefits mentioned in paragraph (2) of this regulation on ceasing to hold an employment in which she was a contributory employee or local Act contributor, as the case may be, if she has attained the age of sixty years and has completed ten years' service.

(2) The benefits referred to in paragraph (1) of this regulation are such benefits as would have been payable to a female contributory employee or female local Act contributor under the relevant superannuation scheme in respect of the service actually reckonable by her immediately before she ceased to hold her employment if—

(*a*) she had then reached pensionable age, and

(*b*) the amount of any benefit so calculated had been reduced according to the age at which she ceased to hold her employment by the percentage shown in the column appropriate to her pensionable age in the table set out in the Schedule to these regulations:

Provided that any annual pension so payable shall not, when expressed as a weekly amount, be less than the amount of the graduated retirement benefit which would be payable to the employee under the Act in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of her service in respect of a weekly payment of remuneration of the amount mentioned in paragraph (*d*) of subsection (1) of section 8 of the Act.

(3) For the purposes of the proviso to the last foregoing paragraph "service" means service in a non-participating employment which is reckonable by the employee for the purpose of calculating the amount of any benefit payable to her except any earlier period of such service in respect of which

(*a*) a payment in lieu of contributions had been made under the Act, or

(*b*) equivalent pension benefits satisfying the requirements of Part II of the Act had already been assured to the employee.

Limitation of Surrender Commutation or Assignment of Pensions and of Reduction Termination or Suspension of Pensions in certain cases

5. No provision in the general Act scheme or in any local Act scheme—

(*a*) for the surrender, commutation or assignment of a pension, or

(a) 52 & 53 Vict. c. 63.

(*b*) for the reduction, termination or suspension of a pension, where the provision is invoked for any cause other than one prescribed by regulations made under paragraph (*c*) of subsection (1) of section 8 of the Act,

shall operate so as to reduce a pension payable to an employee who attains the age of sixty-five years in the case of a man or sixty years in the case of a woman below such amount as would be equal when expressed as a weekly rate to the graduated retirement benefit which would be payable to the employee under the Act in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of his service in respect of a weekly payment of remuneration of the amount mentioned in paragraph (*d*) of subsection (1) of section 8 of the Act; and for this purpose "service" has the meaning assigned to it by paragraph (3) of the last foregoing regulation.

Dated this first day of February, Nineteen hundred and sixty-one.

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

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

Reduction of Retirement Benefits under Regulation 4

Part I. Retirement Pension

Age of woman on ceasing to be employed	Percentage reduction to be made under regulation 4 (2) (*b*) by reference to the under-mentioned pensionable age				
	61	62	63	64	65
60	7	15	21	28	33
61	—	8	15	22	28
62	—	—	8	16	23
63	—	—	—	9	17
64	—	—	—	—	9

Part II. Retirement Grant or Equivalent Lump Sum Benefit

Age of woman on ceasing to be employed	Percentage reduction to be made under regulation 4 (2) (*b*) by reference to the under-mentioned pensionable age				
	61	62	63	64	65
60	4	9	13	16	20
61	—	5	9	13	17
62	—	—	5	9	14
63	—	—	—	5	10
64	—	—	—	—	5

EXPLANATORY NOTE

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

These regulations modify the pension schemes applicable to local government employees in Scotland (i) by entitling women who have reached the age of 60 and completed 10 years' service to receive a pension, (ii) by limiting the right to surrender, commute or assign a pension in certain cases and (iii) by limiting certain provisions for the reduction, termination or suspension of a pension.

These amendments are required to ensure that the pension benefits under local government schemes are not less favourable than those which will be available under the National Insurance Act, 1959, and so to permit local government employees in Scotland to be contracted out of the scheme under that Act.