STATUTORY INSTRUMENTS

1961 No. 608 (S. 35)

NATIONAL INSURANCE

The National Insurance (Non-participation—National Health Service) (Scotland) Regulations, 1961

Made - - - -	*27th March*, 1961
Laid before Parliament	*30th March*, 1961
Coming into Operation	*3rd April*, 1961

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

Citation and Commencement

1.—(1) These regulations may be cited as the National Insurance (Non-participation—National Health Service) (Scotland) Regulations, 1961, and shall come into operation on the 3rd day of April, 1961.

(2) These regulations and the National Insurance (Non-participation—National Health Service) (Scotland) Regulations, 1960(b), shall be read as one and may be cited together as the National Insurance (Non-participation—National Health Service) (Scotland) Regulations, 1960 and 1961.

Interpretation

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

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

" specified employments " means employments in which a person's service qualifies him for retirement benefit by way of pension under section 66 of the National Health Service (Scotland) Act, 1947(c) ;

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

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

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

Amendment of National Insurance (Non-participation—National Health Service) (Scotland) Regulations, 1960

3. In paragraph (*b*) of regulation 3 of the National Insurance (Non-participation—National Health Service) (Scotland) Regulations, 1960 (which provides in relation to the specified employments that certain things which under Part II of the Act are required to be done by or to the employer shall be done by or to the Secretary of State for Scotland), after the words " The National Insurance (Non-participation—Appeals and References) Regulations, 1959 ", there shall be inserted the following words:—

" (iii) Subsection (3) of section 7 of the Act (which relates to the making of payments in lieu of contributions), and

(a) 7 & 8 Eliz. 2. c. 47.
(b) S.I. 1960/982 (1960 II, p. 2273).
(c) 10 & 11 Geo. 6. c. 27.
(d) 52 & 53 Vict. c. 63.

(iv) The National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations, 1960(a) ".

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

4. The specified employments shall be treated for the purposes of Part II of the Act of 1959 and of any regulations made thereunder as employments under a single employer different from the employer in any other employment.

Recovery of payments in lieu of contributions

5. The Secretary of State for Scotland shall be entitled to recover from the employer of any person engaged in a specified employment except where the employer is a body constituted under the National Health Service (Scotland) Act, 1947, the amount of any payment in lieu of contributions made by the Secretary of State for Scotland in respect of the person less any amount by which a benefit or refund of contributions paid or made to or in respect of the person has been reduced in consequence of that payment.

Dated this 27th day of March, 1961.

John S. Maclay,
Secretary of State for Scotland.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

The regulations amend the National Insurance (Non-participation—National Health Service) (Scotland) Regulations, 1960, and require the Secretary of State for Scotland to act instead of the employer of persons subject to the National Health Service Superannuation Scheme in Scotland for the purpose of making payments in lieu of contributions and all matters relating to the assurance of equivalent pension benefits when a period of non-participating employment ends.

The regulations also provide that, for the purposes of Part II of the National Insurance Act, 1959, the employments subject to the National Health Service Superannuation Scheme in Scotland are to be treated as a single employment, and enable the Secretary of State for Scotland to recover from employing authorities (other than those set up under the National Health Service (Scotland) Act, 1947) the amount of any payment in lieu of contributions made by the Secretary of State for Scotland under the National Insurance Act, 1959, in respect of their employees.

(a) S.I. 1960/1103 (1960 II, p. 2244).