authority within the meaning of the Scottish Act who has previously been in the employment of a local authority within the meaning of the English Act or a person in the employment of a local authority within the meaning of the English Act who has previously been in the employment of a local authority within the meaning of the Scottish Act shall be determined in the former case by the Secretary of State and in the latter case by the Minister of Health.

Given under the official seal of the Minister of Health and the seal of the Secretary of State for Scotland this twenty-eighth day of May, nineteen hundred and forty-eight.

(L.S.) *Aneurin Bevan,*
Minister of Health.

(L.S.) *Arthur Woodburn,*
Secretary of State.

EXPLANATORY NOTE

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

These regulations revoke the Local Government Superannuation (England and Scotland) Regulations, 1939, which have been in force since 1st April, 1939, as provisional regulations, and repeat the provisions of those regulations with slight modifications rendered necessary by the lapse of time.

These regulations also remove certain defects in the regulations of 1939 which have come to light in regard to the calculation of transfer values.

(2) TRANSFERS UNDER THE CHILDREN ACT, 1948

The Children Act (Transfer and Superannuation of Officers) Regulations, 1948

1948 No. 1502

Made - - - -	*1st July*, 1948
Laid before Parliament	*1st July*, 1948
Coming into Operation	*5th July*, 1948

In pursuance of the powers conferred on me by section fifty-seven of the Children Act, 1948(a), I hereby make the following Regulations:—

PART I

General

1. These Regulations may be cited as the Children Act (Transfer and Superannuation of Officers) Regulations, 1948, and shall come into operation on the fifth day of July, 1948.

(a) 11 & 12 Geo. 6. c. 43.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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

" the Act " means the Children Act, 1948;

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

" contributory employee ", " contributing service ", " non-contributing service ", " local Act contributor " and " local Act scheme " have the same meanings respectively as in the Act of 1937.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Part II

Transfer of Officers

3. All officers who immediately before the appointed day were employed by the Common Council of the City of London or the council of a metropolitan borough or county district solely or mainly for the purposes of functions transferred by the Act from that council to a county council shall on that day be transferred to and become officers of the county council to whom those functions are transferred.

4. Any question arising under the last preceding Regulation shall be determined by the Secretary of State.

Part III

Superannuation

5.—(1) Where an officer transferred from the employment of a council by these Regulations was a contributory employee immediately before being so transferred, that council may, within a period of three months after his transfer, resolve that the whole or any part of his non-contributing service (if any) shall be reckonable as contributing service, and if the officer was a female nurse, midwife or health visitor to whom subsection (1) of section sixteen of the Act of 1937 applied and who had not completed, and could not before attaining the age of sixty years complete, forty years' service, that council may, within the said period, resolve that a number of years not exceeding five shall be added to the number of years which the officer has actually served in the aggregate.

(2) Where an officer transferred from the employment of a council as aforesaid was a contributory employee or local Act contributor immediately before being so transferred, and any local Act modifying the Act of 1937 or the local Act scheme confers a discretion on that council, in calculating the amount of any superannuation allowance to which the officer might have become entitled, to add a number of years to the number of years which the officer has actually served in the aggregate, that council may, within a period of three months after the transfer of the officer, exercise that discretion in relation to him, notwithstanding that he had not become entitled to a superannuation allowance on ceasing to be employed by the council.

6. Every officer transferred by these Regulations who was a contributory employee or local Act contributor immediately before his transfer shall, if

(a) 1 Edw. 8. & 1 Geo. 6. c. 68. (b) 52 & 53 Vict. c. 63.

the council to the employment of which he is so transferred are administering the Act of 1937, be a contributory employee while in their employment if, apart from this provision, he would not be entitled to be such an employee, and, if the said council are administering a local Act scheme, be a local Act contributor while in their employment if, apart from this provision, he would not be entitled to be such a contributor:

Provided that if the rights he would enjoy by virtue of the foregoing provisions of this Regulation are not the same as those previously enjoyed by him, then, if he notifies the said council in writing within three months after his transfer that he desires to retain rights corresponding with those previously enjoyed by him, the Act of 1937 or the local Act scheme shall apply to and in respect of him with such modifications as are necessary to ensure that he shall make the like contributions as he would have been liable to make and that he shall enjoy rights corresponding with those which he would have enjoyed if he had remained subject to the Act of 1937 or the local Act scheme previously applicable in his case.

7.—(1) Any number of years added to a person's service under any of the provisions of these Regulations shall be deemed to be a number of years which was reckonable immediately before the date of transfer as contributing service for the purposes of the Act of 1937 or as service for the purposes of the local Act scheme.

(2) Where the amount of any transfer value is increased in consequence of the exercise by a council of any power conferred upon them by these Regulations, the council shall repay the amount of the said increase to the superannuation fund out of which the transfer value is payable.

8. Any question which may arise between a county council and any other council as to the rights and liabilities of either council under this Part of these Regulations in relation to an officer transferred to the employment of the former council by Part II thereof and any question which may arise between a county council and an officer so transferred to their employment—

(*a*) whether the officer is a contributory employee or, as the case may be, local Act contributor,

(*b*) whether as such an employee or contributor he is entitled to enjoy rights which are not the same as those previously enjoyed by him, and

(*c*) as to the nature of the modifications with which the Act of 1937 or, as the case may be, the local Act scheme apply to and in respect of that officer as a consequence of any notice given by him under the proviso to Regulation 6 of these Regulations,

shall be determined by the Secretary of State.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
1st July, 1948.

EXPLANATORY NOTE

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

These Regulations are consequential on the transfer of functions under the Children Act, 1948, from one class of local authority to another and provide for the transfer and superannuation of officers employed by those local authorities from whom functions are so transferred.