CHAPTER 96.

An Act to enable war service to be treated as service under any scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1937. [5th September 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

War service by teachers to be reckoned for superannuation.

1. For the purposes of the Education (Scotland) (Superannuation) Acts, 1919 to 1937, and of any scheme made under the said Acts or any of them (hereinafter referred to as " the Scheme ")—

(*a*) a person who has given war service for part of the period between the date on which he was admitted or accepted for admission to preliminary training or to a training centre or college and the date on which he completed his course of training shall be deemed to be a teacher;

(*b*) war service shall be deemed to be service, provided that any period of war service rendered by a person to whom the foregoing paragraph applies shall be deemed not to have exceeded the period by which the completion of his course of training was thereby delayed and to

have been given during the period immediately preceding the date of such completion;

(*c*) a teacher shall during any period of war service be deemed to be in receipt of a salary equal to such annual sum as in the opinion of the Secretary of State he would have received if he had been employed during that period in service other than war service.

Contributions not to be payable except in certain circumstances. 15 & 16 Geo. 5. c. 55. 2 & 3 Geo. 6. c. 90.

2.—(1) Notwithstanding anything contained in section two of the Education (Scotland) (Superannuation) Act, 1925, the payment of contributions shall not be required in respect of any teacher engaged in war service for any part of the period of such service unless for that part—

(*a*) payments are made to or in respect of him under section one of the Local Government Staffs (War Service) Act, 1939; or

(*b*) payments are made otherwise than under the said section one by the governing body or other body of managers by whom he was employed immediately before undertaking war service to supplement his war service pay; or

(*c*) the amount of his war service pay is equal to or exceeds the amount of his salary.

(2) In the application of the said section two to any period in respect of which contributions are payable by virtue of the last foregoing subsection, references in that section to the education authority, governing body, or other body of managers by whom the teacher is employed shall be construed as references to the education authority, governing body or other body of managers by whom the teacher was employed immediately before undertaking war service.

Payment and collection of contributions in exceptional cases.

3.—(1) Where, by virtue of the last foregoing section, contributions are payable for any period of war service of a person who is or who is deemed, by virtue of section one of this Act, to be a teacher within the meaning of the Scheme, and who was not immediately before undertaking war service employed by any education authority, governing body or other body of managers, the amount of the said contributions shall be an amount equal to seven and one half per centum of his salary

and the said amount (together with compound interest thereon from the date when the payment became due, calculated at four per centum per annum with yearly rests) shall be recoverable by the Secretary of State either directly from the teacher or by deduction from any sum payable to him or to his legal personal representatives under the Scheme.

(2) Two-thirds of any sums paid or recovered under this section shall be treated as contributions by the teacher and one-third as contributions by an employer.

Foregoing provisions not to apply in certain cases. 2 & 3 Geo. 6. c. 91.

4. The foregoing provisions of this Act shall not apply—

(*a*) to teachers to whom the provisions of section one of the Teachers Superannuation (War Service) Act, 1939, apply;

(*b*) to any other teacher to whom the Secretary of State decides that the said provisions of this Act ought not to apply.

Reckoning of war service by persons to whom foregoing provisions do not apply.

5.—(1) Where—

(*a*) a teacher to whom the provisions of sections one to three of this Act do not apply; or

(*b*) a person who becomes a teacher within the meaning of the Scheme after giving war service:

has before giving war service been in any employment which may be treated as service for the purpose of making up a definite period of completed years of service under the Scheme his period of war service shall be deemed for all purposes of the Scheme to have been a continuation of such employment.

(2) Any period of war service which is not treated as service or employment under any of the foregoing provisions of this Act may nevertheless be regarded as constituting part of the period of thirty years' service prescribed as a condition of benefit under the Scheme.

Provision as to persons called out or under training.

6.—(1) The provisions of Article 12 of the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of service as a person called out which falls during the period of the present emergency.

(2) The provisions of Article 6 of the Military Training (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of training which falls within the period of the present emergency.

(3) In this section the expression " called out " has the same meaning as in the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, and the expression " period of training " has the same meaning as in the Military Training (Consequential Provisions) Order, 1939.

Interpretation.

7. In this Act unless the context otherwise requires—

" War service " means service, during the period of the present emergency, in any of the naval, military or air forces of the Crown, or any service during that period which the Secretary of State considers may properly be treated for the purpose of this Act in the same manner as service in those forces, or any employment during that period in civil defence service;

" Period of war service " in relation to any person includes any period not exceeding twelve months, or any periods not exceeding twelve months in all, during which he though not actually engaged in war service is as a result of war service prevented or hindered from procuring work as a teacher owing to injury, illness or any other cause;

" War service pay," in relation to a person engaged in war service, means his pay (including marriage, family and other similar allowances) in respect of his war service;

" Period of the present emergency " means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

" Preliminary training," " training centre," " training college " and " course of training "

have the meanings assigned to them in the Regulations for the time being in force with regard to the training of teachers in Scotland;

"Civil defence service" means any service established under the Civil Defence Acts, 1937 and 1939.

Citation and commencement.

8.—(1) This Act may be cited as the Education (Scotland) (War Service Superannuation) Act, 1939, and the Education (Scotland) (Superannuation) Acts, 1919 to 1937, and this Act shall be construed as one and may be cited together as the Education (Scotland) Superannuation Acts, 1919 to 1939.

(2) This Act shall be deemed to have come into operation at the beginning of the period of the present emergency.

(3) This Act shall apply to Scotland only.

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FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament