LEGAL AID AND ADVICE, SCOTLAND

1952 No. 1695 (S. 86)

The Legal Aid (Scotland) (Superannuation) Regulations, 1952

Made - - - - 16*th September*, 1952
Laid before Parliament 17*th September*, 1952
Coming into Operation 23*rd September*, 1952

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SCHEDULE.—Allocation of part of pension or injury allowance.

In exercise of the powers conferred on me by section 11, as read with subsection (1) of section 17, of the Legal Aid (Scotland) Act, 1949(a), and of all other powers enabling me in that behalf, and with the concurrence of the Treasury, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid (Scotland) (Superannuation) Regulations, 1952, and shall come into operation on the 23rd day of September, 1952.

(a) 12, 13 & 14 Geo. 6. c. 63.

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

(3) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"the Act" means the Legal Aid (Scotland) Act, 1949;

"employee" means a person employed by the Society for the purposes of the administration of the Act who is required to pay superannuation contributions under regulation 5 of these Regulations and includes a person who during a period of national service pays contributions under paragraph (6) of regulation 5 of these Regulations;

"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(b), and includes any period immediately following the termination thereof during which the person, with the consent of the Society, continues in similar service;

"permanent employment" does not include any employment which is on a temporary basis;

"remuneration" means the salary or wages paid to an employee and includes the money value of any apartments or house or other allowances in kind appertaining to his employment, but does not include payments for overtime or any allowances paid to him to cover extra duty, or any travelling or subsistence allowance paid for the purpose of his employment and "average remuneration" has the meaning assigned to it by regulation 2 of these Regulations;

"service" has the meaning assigned to it by regulation 5 of these Regulations;

"the Society" means the Law Society of Scotland established by the Solicitors (Scotland) Act, 1949(c).

Meaning of average remuneration

2. For the purposes of these Regulations, the average remuneration of an employee means the annual average of the remuneration of his employment by the Society for the purposes of the administration of the Act, and of any national service reckonable by him as service under regulation 5 of these Regulations, for an aggregate period of three years during which he was so employed or was engaged in national service as aforesaid, ending on the date on which he ceased to hold his employment as an employee, or, if he died while still an employee and before attaining the age of seventy years or completing forty-five years service, the date of his death or, if he attained the age of seventy years or completed forty-five years service before ceasing to be employed or dying, the date on which he attained that age or completed such period of service, whichever is the earlier:

Provided that—

(*a*) in the case of an employee 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;

(*b*) the amount of the remuneration of an employee in respect of any period of national service in respect of which contributions were paid by him under paragraph (6) of regulation 5 of these Regulations shall be deemed to have been the amount by reference to which the calculation of his average remuneration would have been made if he had continued to serve during that period in his civil capacity;

(a) 52 & 53 Vict. c. 63. (b) 14 & 15 Geo. 6. c. 65. (c) 12, 13 & 14 Geo. 6. c. 63.

(*c*) the amount of the remuneration of an employee in respect of any period of leave of absence from duty with reduced remuneration or without remuneration in respect of which contributions were paid by him under paragraph (4) of regulation 5 of these Regulations shall be deemed to have been the amount on which contributions were so paid by him ;

(*d*) the average remuneration of an employee whose service is less in the aggregate than three years shall be the annual average of his remuneration for such shorter period ; and

(*e*) the remuneration of an employee in respect of any period of employment by the Society which under paragraph (7) of regulation 5 of these Regulations is to be deemed to be a period of service shall be the remuneration on which contributions would have been paid or deemed to have been paid by him under these Regulations if they had then been operative.

Application

3.—(1) These Regulations shall apply to every person in the permanent employment of the Society who has attained the age of eighteen years and is employed whole time by the Society wholly or mainly for the purposes of the administration of the Act.

(2) These Regulations shall also apply, if the Secretary of State in any particular case so directs, to a person in the permanent employment of the Society who has attained the age of eighteen years and is employed whole-time by the Society but mainly for purposes other than those of the administration of the Act:

Provided that in the application of these Regulations to such a person any reference to his remuneration shall be construed as a reference to that part of his remuneration which is attributable to his duties in connection with the administration of the Act and his average remuneration shall be calculated for the purposes of these Regulations in such manner as may be provided in the direction given under this paragraph by the Secretary of State with respect to him.

Participation in superannuation benefits

4. Every person employed by the Society as aforesaid shall be entitled to participate in the superannuation benefits provided by these Regulations, subject to and in accordance with the terms and conditions thereof.

Contributions by employees and meaning of service

5.—(1) Subject to the provisions of these Regulations, there shall be paid by every employee who is under the age of seventy years and has not completed forty-five years service, in relation to his employment by the Society, an amount equal to six per cent. of the amount of his remuneration for the time being.

(2) The Society may deduct from the remuneration payable to an employee the contributions payable by him under paragraph (1) of this regulation. In so far as deductions are not so made, the Society may recover any such contributions as a simple contract debt in any court of competent jurisdiction.

(3) The contributions of employees, when they are obtained by the Society, shall be paid into the Legal Aid (Scotland) Fund.

(4) An employee who is on leave of absence from duty, with reduced remuneration or without remuneration, shall pay contributions under this regulation on the remuneration which would have been his had he continued to be employed by the Society:

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

(5) An employee who, by reason of the suspension of his remuneration owing to leave of absence from duty on account of illness or injury, is not required to pay any contributions in respect of the period of such absence or any part thereof shall nevertheless be deemed to have paid the contributions required by paragraph (1) of this regulation in respect of that period or part thereof.

(6) Notwithstanding any other provision of these Regulations, a person who ceases to be employed by the Society in order to undertake national service shall be entitled to reckon any of that service for the purposes of these Regulations, if he pays contributions under this regulation on the remuneration which would have been his if he had continued to follow that employment.

(7) Where a person (other than a person to whom these Regulations apply by virtue of paragraph (2) of regulation 3 thereof) was an employee of the Society for a period immediately before the commencement of these Regulations, and during that period was employed under such conditions and on such duties that, if these Regulations had then been operative, contributions would have been payable by him under paragraph (1) of this regulation, that period shall be deemed to be a period of service, and contributions shall be deemed to have been paid in respect of it under paragraph (1) of this regulation if—

(*a*) such sums were deducted from his remuneration in respect of superannuation during that period as were payable by him under the Society's Staff Pension Scheme or would have been so payable had he belonged to that Scheme ; and

(*b*) any sum realisable in respect of payments made during that period by and in respect of that person under the Society's Staff Pension Scheme is so realised by the Society on a date to be specified by the Secretary of State and is paid into the Legal Aid (Scotland) Fund ; and

(*c*) the sums deducted in respect of superannuation from the remuneration of that person during that period and held by the Society pending the making of superannuation arrangements are paid into the Legal Aid (Scotland) Fund.

(8) For the purposes of these Regulations the term " service " in relation to an employee of the Society means continuous service in respect of which contributions are paid by him or are deemed to have been paid by him under this regulation.

(9) Notwithstanding any other provision of these Regulations, where a person who ceases to be employed by the Society in order to undertake national service has neither paid contributions under this regulation on the remuneration which would have been his had he not ceased to be employed by the Society in order to undertake national service, nor received a return of the contributions paid by him before he ceased to be employed by the Society, then if he returns to the employment of the Society immediately on termination of the period of national service in question, the period of his employment by the Society which preceded the said period of national service shall, for the purposes of paragraph 8 of this regulation, be deemed to be continuous with the period of employment which commenced on termination of his period of national service.

(a) 9 & 10 Geo. 6. cc. 62 and 67.

(10) Notwithstanding any other provision of these Regulations, where an employee has not attained the age of sixty years when he completes forty years service, the period of his employment between the date on which he completes that period of service and the date on which he attains the age of sixty years shall not be reckonable as service for any of the purposes of these Regulations.

Pension and retiring allowance

6. An employee shall be entitled, on ceasing to be employed by the Society, to receive from the Legal Aid (Scotland) Fund—

(*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 has completed ten years service ; and

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

Scales of pension and retiring allowance

7.—(1) Subject to the provisions of these Regulations, the annual pension to be paid to an employee shall be one eightieth of his average remuneration for each complete year of service:

Provided that the pension shall not exceed forty-five eightieths of the employee's average remuneration and shall not, in the case of a pension payable under sub-paragraph (i) of paragraph (*a*) of regulation 6 of these Regulations, be less than twenty eightieths of such remuneration or one eightieth of such remuneration in respect of each year of service which he could have completed before attaining the age of sixty-five years had he continued to be an employee, whichever is the less.

(2) The retiring allowance to be paid to an employee shall, subject to the provisions of these Regulations, be a sum equal to three eightieths of his average remuneration in respect of each complete year of service:

Provided that—

(*a*) in the case of a male married employee 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 one eightieth of his average remuneration in respect of each complete year of service ;

(*b*) in the case of an employee who is a widower or who is divorced or judicially separated from his wife, the wife's death or the divorce or separation having taken place on or after the date on which his service for the purposes of these Regulations began, the amount of the allowance shall be equal to the aggregate of the following amounts, namely—

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

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

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

Injury allowance

8.—(1) Where an employee 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 which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or by a disease which he has contracted and to which he was exposed by the nature of his duty, not being a 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 Legal Aid (Scotland) Fund an annual injury allowance of such amount, not exceeding two thirds of his average remuneration, as the Secretary of State considers reasonable, having regard to all the circumstances of the case, including any right to any benefit under the National Insurance (Industrial Injuries) Act, 1946(**a**) or any other statutory right to benefit or compensation or any right to a pension, retiring allowance or gratuity, whether under these Regulations or otherwise.

(2) If such a person as is mentioned in paragraph (1) of this regulation dies as a direct result of the injury that he sustained or the disease that he has contracted, his widow may be granted such gratuity or annual allowance as the Secretary of State may consider reasonable, having regard to all the circumstances of the case, including any right to benefit under the National Insurance (Industrial Injuries) Act, 1946, or any other right to benefit or compensation, or any right to superannuation benefits under these Regulations or otherwise.

Conditions attaching to grant of pension or injury allowance

9.—(1) Where a person who has not attained the age of sixty years is in receipt of a pension under sub-paragraph (i) of paragraph (*a*) of regulation 6 of these Regulations or of an injury allowance, and the Secretary of State is satisfied that he has become capable of resuming the duties of his employment, the Secretary of State may require him to return to the employment of the Society and, if he declines to do so, 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.

(2) The Secretary of State may require a person who has not attained the age of sixty years and who is in receipt of a pension under sub-paragraph (i) of paragraph (*a*) of regulation 6 of these Regulations or of an injury allowance to submit himself to a medical examination by a registered medical practitioner 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 following an examination made by him, and the Secretary of State shall take that report into consideration together with the report of the medical practitioner selected by him.

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

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

10.—(1) An employee who becomes entitled to a pension or an injury allowance may thereupon notify his desire, subject to and in accordance with the provisions of the Schedule to these Regulations, to surrender part of the pension or allowance in consideration of the grant of a pension to the spouse

(a) 9 & 10 Geo. 6. c. 62.

or any dependant of the employee 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 employee would, if he ceased to be employed, be entitled to a pension, and has completed forty years service or has attained the age of sixty-five years, he may at any time before ceasing to be employed notify his desire to surrender part of the pension in accordance with the preceding paragraph, and, if he dies before having become entitled to the pension but after having 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 preceding the date of his death.

Short service gratuity

11. An employee 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 Legal Aid (Scotland) Fund a short service gratuity of a sum equal to the amount of his average remuneration:

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

Death gratuity

12. If—

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

(*b*) a person dies after having become entitled to a pension or retiring allowance or injury allowance or short service gratuity under these Regulations ;

then there shall be paid to his legal personal representatives out of the Legal Aid (Scotland) Fund a death gratuity of a sum equal to three eightieths of his average remuneration in respect of each year of his service, or the amount of his contributions together with compound interest on such amount, or 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 complete year of 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 a person who dies after becoming entitled to a pension or retiring allowance or injury allowance or short service gratuity under these Regulations there shall be deducted from the death gratuity a sum equal to the aggregate amount of any payments made on account of any of those benefits, 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

13.—(1) The widow of a person who was entitled to a pension or an injury allowance under these Regulations, or the widow of an employee who at the date of his death had completed not less than ten years service, shall be entitled to receive from the Legal Aid (Scotland) Fund an annual widow's pension:

Provided that this paragraph shall not apply—

(*a*) in the former case, if the marriage took place on or after the date on which the husband became entitled to the pension or allowance;

(*b*) in either case, if the husband, before ceasing to be employed, or, if he died while still an employee, before dying, had attained the age of sixty-five years or, not having attained that age, would have been entitled to a pension on ceasing to be employed and had completed forty years service, and the marriage took place on or after the date on which he attained the age of sixty-five years or would have been so entitled to a pension as aforesaid;

(*c*) if the husband and wife were judicially separated at the date of his death; or

(*d*) if the wife was herself entitled to a pension under these Regulations or if 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.

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

(*a*) in the case of the widow of an employee, one third of the pension which would have been payable to him had he become entitled to a pension under sub-paragraph (i) of paragraph (*a*) of regulation 6 of these Regulations on the day preceding his death; and

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

Provided that, if any such pension as is mentioned in sub-paragraph (*a*) of this paragraph would have been reduced under regulation 15 of these Regulations, no account shall be taken of the reduction, and any such pension as is mentioned in sub-paragraph (*b*) of this paragraph shall be deemed to be the pension that would have been payable but for any reduction under that regulation.

(3) A widow's pension which has been payable under this regulation shall cease to be payable to a widow if she remarries, or in respect of any period during which she is cohabiting with a man as his wife.

(4) If on the re-marriage or death of a widow to whom a widow's pension has been payable under these Regulations the aggregate amount of the payments made to her, her husband or her husband's legal personal representatives by way of pension or retiring allowance or injury allowance or death gratuity under these Regulations is less than the amount of the death gratuity which would have been payable under these Regulations in respect of the death of her husband had she not been entitled to a widow's pension 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 benefits

14. Where any benefit payable under these Regulations is an annual sum of an amount not exceeding twenty-six pounds, the liability of the Legal Aid (Scotland) Fund in respect thereof may, with the consent of the Secretary of State, be discharged by the payment of a lump sum representing the capital value of the annual sum.

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

15.—(1) Having regard to the National Insurance Act, 1946, the provisions of these Regulations shall apply, in relation to every employee, subject to the modifications of obligations contained in paragraph (2) of this regulation, and, in relation to every person in receipt of a pension under these Regulations, subject to the modification of benefits contained in paragraph (3).

(2) The amount of the contributions to be paid by an employee under regulation 5 of these Regulations shall be reduced at the rate of three pounds and eight pence per annum in the case of a man and at the rate of three pounds and five shillings per annum in the case of a woman.

(3) As from the date on which an employee 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 by the sum of one pound and fourteen shillings per annum for each complete year of service:

Provided that—

(*a*) any service reckonable under paragraph (7) of regulation 5 of these Regulations shall be disregarded in computing years of service for the purposes of this paragraph ;

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

(4) This regulation shall not apply in the case of an employee who in pursuance of paragraph (*a*) of subsection (3) of section 71 of the National Insurance Act, 1946, 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.

Return of contributions

16.—(1) An employee who, on ceasing to be employed, is not entitled to a pension or a retiring allowance or an injury allowance or a short service gratuity, and a person who, though not ceasing to be employed, ceases to be an employee to whom these Regulations apply, shall be entitled to receive from the Legal Aid (Scotland) Fund a return of the contributions paid by him (including any sums paid by him which under paragraph (7) of regulation 5 of these Regulations are deemed to be contributions paid by him) together with compound interest thereon:

Provided that, if an employee ceases to be employed by reason of his resignation or dismissal in consequence of an offence of a fraudulent character or of 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, on consideration of any recommendation by the Society, he thinks fit, authorise the return to him, or the payment to his spouse or any dependant, of a sum equal to the whole or a part of the contributions paid by him, together with compound interest thereon.

(2) If an employee dies, and no death gratuity is payable in respect of his death, his legal personal representatives shall be entitled to receive from the Legal Aid (Scotland) Fund the amount of the contributions paid by him, together with compound interest thereon.

Calculation of interest on contributions

17. Where under these Regulations provision is made for the calculation of compound interest on the contributions of an employee, that calculation 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 employee before he died, the date on which he ceased to be an employee, and such interest 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 paid.

Forfeiture of rights

18. An employee who is dismissed, resigns or otherwise ceases to hold his employment in consequence of an offence of a fraudulent character or of grave misconduct committed by him in connection with the performance of the duties of his employment or otherwise in relation to his employment shall, if the Secretary of State, after consultation with the Society, so directs, forfeit all claim in respect of his previous service to any superannuation benefits.

Benefits not assignable

19. A pension or other benefit to which an employee, or the spouse or dependant of an employee, 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.

Determination of questions

20. Any question arising under these Regulations as to the rights or liabilities of an employee or retired employee of the Society, or of a person claiming to be treated as such, or of the widow, any dependant or the legal personal representatives of an employee or retired employee, shall be determined by the Secretary of State after consultation with the Society:

Provided that the Secretary of State may if he thinks fit and shall, if so directed by the Court of Session, state a case for the opinion of the Court of Session on any question of law arising from the matter to be determined by him.

Payments out of the Legal Aid (Scotland) Fund

21.—(1) Any sum payable to a person under these Regulations shall be paid to or in trust for that person by the Society out of the Legal Aid (Scotland) Fund.

(2) Such sums as the Secretary of State may from time to time direct shall be paid to him by the Law Society out of the Legal Aid (Scotland) Fund in respect of the expenses incurred by him under these Regulations.

Records

22.—(1) The Society, in consultation with the Secretary of State, shall keep records in such form and prepared in such manner as the Treasury may approve of all contributions paid by employees and of all payments made under these Regulations out of the Legal Aid (Scotland) Fund.

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

Pensioner accepting further employment

23. Where a person entitled to a pension or an injury allowance under these Regulations has entered employment the remuneration of which is payable out of public funds, he shall not, so long as he holds that employment, be entitled to receive any greater amount of the pension or allowance than would make up the amount, if any, by which the remuneration of that employment for the period thereof falls short of the annual remuneration or average remuneration of the employment in relation to which he became

entitled to the pension or allowance, whichever is the greater, computed for a period of the same length.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
11th September, 1952.

We concur.

Herbert Butcher,
Edward Heath,
Two of the Lords Commissioners of Her Majesty's Treasury.

16th September, 1952.

Regulation 10

SCHEDULE

Allocation of Part of Pension or Injury Allowance

1. An employee shall not surrender—

(*a*) more than one third of the pension or of the injury allowance to which he is entitled or, in a case in which regulation 15 of these Regulations applies, of 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 (in this Schedule referred to as "the beneficiary");

(*c*) a smaller part than would secure for the beneficiary a pension equal to one fourth of the amount of the reduced pension or allowance; or

(*d*) any part which is not an exact number of pounds.

2. The amount of pension payable in return for each pound of a pension or injury allowance surrendered by an employee shall be the amount shown in the Tables in force under regulation 10 of these Regulations at the date on which the employee 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 an employee becoming eligible to notify his desire to surrender part of his pension or injury allowance, the Society shall furnish him with a copy of regulation 10 of these Regulations and of this Schedule, and of the Tables for the time being in force under the said regulation 10 together with two copies of a form of notification of surrender of pension or injury allowance, and, in the case of an employee to whom paragraph (2) of regulation 10 applies, a provisional estimate of the value of the pension that may become payable to him.

(2) An employee to whom paragraph (1) of regulation 10 of these Regulations applies, and who desires to surrender a part of his pension or injury allowance, shall notify the Society 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, an employee shall complete the form provided for the purpose, and send it, together with a copy thereof, to the Society and they shall transmit the original to the Secretary of State.

5. On receipt by the Secretary of State of a notification given by an employee under the last preceding paragraph—

(*a*) the Secretary of State shall arrange for the employee 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 employee 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 employee 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 or the Society 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 medical practitioner in respect of an examination and report under the last preceding paragraph shall be paid by the employee 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 a consideration of a report obtained by him under paragraph 5 of this Schedule, that the employee 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 employee's notification and is in conformity with this Schedule, and there shall be granted 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 an employee the Secretary of State shall inform the Society whether or not the notification has been accepted, and, if it has been accepted, shall furnish 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 the employee, and, if the notification has not been accepted, shall inform the Society of the reason. A copy of any document sent by the Secretary of State to the Society under this paragraph shall be given by them to the employee.

8.—(1) An employee to whom paragraph (2) of regulation 10 of these Regulations applies may, at any time before he ceases to be employed, cancel or amend a notification given by him by a notice in writing addressed to the Society.

(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 an employee to whom paragraph (1) of regulation 10 of these Regulations applies shall become null and void if the beneficiary dies before the Secretary of State accepts the notification, and a notification given by an employee to whom paragraph (2) of regulation 10 applies shall become null and void if the beneficiary dies before midnight on the day on which the employee ceases to be employed.

(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.

EXPLANATORY NOTE

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

These Regulations provide for the establishment of a contributory superannuation scheme for persons employed whole time by the Law Society of Scotland who are engaged in the administration of the Legal Aid service under the Legal Aid (Scotland) Act, 1949.

The Scheme will be financed partly by contributions from the participants in its benefits and partly as a charge on the Legal Aid (Scotland) Fund, from which the salaries of the participants are also payable.

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