Regulation 15 and the second schedule (made under section 2 (3) of that Act) set out the terms on which a contributory employee may, upon payment, have non-contributing service reckoned as contributing service.

Regulation 17 (made under section 1 (4) (*a*) of that Act) confers on existing employees the option to enjoy rights corresponding to those which they enjoyed immediately before the coming into operation of the regulations. In addition to those rights they will have the rights conferred by regulations 7 (injury allowance), 10 (death grant), 12 (added years) and 13 (additional compensatory benefit for certain women employees).

Regulation 18 applies the regulations to persons who retired or died between the thirtieth day of September, 1950, and their coming into operation. Express power for this retrospective operation is contained in section 1 (4) (*b*) of the Act of 1953. Regulation 19 contains the necessary machinery for the provisions of regulation 18.

Regulation 21 makes special modifications in the regulations in their application to contributory employees on the medical and nursing staff of a local authority. The chief modification is that of pensionable age (paragraph (2)), but the regulation contains a number of other provisions consequential on the transfer of such employees from parts III and IV of the National Health Service (Superannuation) Regulations, 1950, to the Local Government Superannuation Acts scheme. Regulation 22 makes corresponding provision (under section 3 (1) of the Act of 1953) for local Act contributors similarly employed. Regulation 23 modifies the pensionable age in the case of certain female employees.

Part III of the regulations and the third schedule provide for the modification of certain benefits having regard to benefits under the National Insurance Act, 1946. These provisions take the place of certain provisions of the modification regulations made under section 69 (4) of the Act of 1946, upon which they are based; the provisions thus superseded will be revoked by regulations under that subsection with effect from the date on which, in any individual case, part III of these regulations or any corresponding provisions of a local Act scheme apply.

1954 No. 1059 (S. 102)

The Local Government Superannuation (Benefits) (Scotland) Regulations, 1954

Made - - - - 30*th July*, 1954
Coming into Operation 1*st October*, 1954

In exercise of the powers conferred on me by sections 1, 2 and 3 of the Local Government Superannuation Act, 1953(a), and of all other powers enabling me in that behalf, I hereby make the following regulations, a draft of which has been laid before Parliament and approved by resolution of each House of Parliament:—

PART I.—PRELIMINARY

Citation and commencement

1.—(1) These regulations may be cited as the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954.

(a) 1 & 2 Eliz. 2, c. 25.

(2) These regulations shall come into operation on the first day of October, 1954.

Interpretation

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

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

"the Act of 1953" means the Local Government Superannuation Act, 1953;

"average remuneration" has the meaning assigned to it in regulation 3 of these regulations;

"capital value" means capital value as appearing from tables for the time being in force issued by the Secretary of State;

"compound interest" means interest calculated in the manner described in subsection (1) of section 10 of the Act of 1937;

"contributions" includes any sum which under these or any other regulations is treated as contributions;

"death grant" has the meaning assigned to it in regulation 10 of these regulations;

"enactment" includes an enactment contained in an order, regulation, rule or other instrument having effect by virtue of an Act;

"injury allowance" has the meaning assigned to it in regulation 7 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 authority or body by whom he was employed before undertaking that service, continues in similar service;

"the regulations of 1950" means the National Health Service (Scotland) (Superannuation) Regulations, 1950(**c**);

"retirement grant" has the meaning assigned to it in regulation 6 of these regulations;

"retirement pension" has the meaning assigned to it in regulation 5 of these regulations;

"short service grant" has the meaning assigned to it in regulation 9 of these regulations;

"superannuation benefit" means an annual superannuation allowance, a gratuity or a periodical payment payable on retirement, death or incapacity, other than a death grant or a widow's benefit under the National Insurance Act, 1946(**d**);

"surrender" means surrender in pursuance of surrender rules or of a local Act or a scheme made in relation to a local Act, and "surrendered" shall be construed accordingly;

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 69.
(**b**) 14 & 15 Geo. 6. c. 65.
(**c**) S.I. 1950/498 (1950 I, p. 1458).
(**d**) 9 & 10 Geo. 6. c. 67.

"surrender rules" means rules made under section 9 of the Act of 1937 or section 16 of the Act of 1953;

"transfer value" includes any payment in the nature of a transfer value;

"war service", in relation to a person, means war service within the meaning of the Local Government Staffs (War Service) Act, 1939(a), and includes any period after the termination of such service during which, with the consent of the authority or body by whom he was employed before undertaking that service, he continued in similar service, but does not include any such service occurring after the making by him of a claim under section 10 of the Act of 1937, or any corresponding provision of a local Act scheme, for the return of contributions made by him for superannuation purposes;

"widow's pension" has the meaning assigned to it in regulation 8 of these regulations.

(2) In these regulations, unless the context otherwise requires, the expression "contributory employee" includes—

(*a*) a person to whom immediately before the coming into operation of these regulations the Act of 1937 applied subject to the provisions of a local Act or of a scheme made under subsection (1) of section 21 of the Act of 1937 or having effect under subsection (2) of that section, if—

(i) the Act of 1937 then applied to him without any modification of the provisions thereof relating to entitlement to and calculation of benefits; or

(ii) the scheme or the provisions of the local Act relating to such entitlement or calculation were revoked with effect from the coming into operation of these regulations:

(*b*) a person to whom immediately before the coming into operation of these regulations there were applicable the provisions of a local Act or of a scheme made in relation to a local Act by which provision is made for benefits supplementary to or in augmentation of the superannuation benefits under Part I of the Act of 1937.

(3) Where, under any provision of Part II of these regulations under which a benefit under an enactment other than these regulations is to be deducted from a benefit under these regulations, a lump sum benefit falls to be deducted from an annual benefit or an annual benefit from a lump sum benefit, the deduction shall be of such annual amount or lump sum, as the case may be, as shall be certified by an actuary to correspond to the lump sum benefit or annual benefit which is to be deducted.

(4) Unless the context otherwise requires, expressions in these regulations have the same meaning as in the Act of 1937.

(5) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended by any other enactment including these regulations.

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

(a) 2 & 3 Geo. 6. c. 94. (b) 52 & 53 Vict. c. 63.

Meaning of average remuneration

3.—(1) The average remuneration of a contributory employee in relation to an employment which he ceases to hold shall be taken to be the annual average of the remuneration of that employment during the period of three years ending with the last day of his service, and (where that employment commenced after the commencement of that period) of the remuneration of any previous employment or national service during that period which is reckonable by him as contributing service or non-contributing service in relation to that employment:

Provided that—

(*a*) an employee who on reduction or discontinuance of his remuneration contributed under subsection (5) of section 6 of the Act of 1937 as if his remuneration had not been reduced or discontinued, and an employee whose remuneration was reduced or discontinued by reason of his absence from duty owing to ill-health or injury, shall be deemed to have received the remuneration which he would have received but for the reduction or discontinuance ;

(*b*) if a contributory employee after ceasing to be in the employment of a single local authority becomes an employee in the part-time employment of each of two or more authorities, then, if his remuneration in the first-mentioned employment becomes material for the purpose of calculating the benefit payable to him on his ceasing to hold one of his part-time employments, that remuneration shall for the purpose of the calculation be treated as attributable to those part-time employments and shall be apportioned between them ;

(*c*) the remuneration of a contributory employee in respect of any period of national service which is reckonable as service for the purposes of the Act of 1937 shall be deemed to have been the remuneration which the person performing the service would have received if he had not left his employment to undertake that service ;

(*d*) the average remuneration of a contributory employee whose contributing service and non-contributing service is less in the aggregate than three years shall be deemed to be the annual average of his remuneration for the period of his service ;

(*e*) if a contributory employee, while continuing in the whole-time employment of a local authority, has during the said period of three years entered any other employment under a local authority, his average remuneration in relation to the said other employment shall be calculated as if it had been his only employment in that period ;

(*f*) the average remuneration of an employee who has been intermittently employed during the said period of three years shall be deemed to be the amount obtained by multiplying his remuneration in that period by 52, if he was paid weekly, or by 12, if he was paid monthly, and dividing the product by the number of weeks or months, as the case may be, in respect of which he received payment, taking as his remuneration for a week or a month for which he was not paid in respect of each day the remuneration he would have received if paid at the same rate in respect of 6 or, as the case may be, 30 days.

(2) In its application for the purposes of regulation 18 of these regulations this regulation shall have effect as if references to national service included references to war service.

Calculation of service

4.—(1) For the purpose of calculating the amount of any benefit under these regulations—

(*a*) an employee's service shall be calculated by aggregating all periods of service;

(*b*) his contributing service shall be calculated by aggregating all periods of such service;

(*c*) his non-contributing service shall be calculated by deducting from his service, calculated in accordance with sub-paragraph (*a*) of this paragraph, all completed years of contributing service; and

(*d*) if his non-contributing service, calculated in accordance with sub-paragraph (*c*) of this paragraph, amounts to a period of less than a year, or to a number of years and a period of less than a year, the period of less than a year shall, if it amounts to or exceeds six months, be treated as a year, and in any other case be disregarded.

(2) For the said purpose the expression "service" in the foregoing paragraph—

(*a*) does not include any service which, on entering employment in which he was a contributory employee or local Act contributor, a person became entitled to reckon, by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), or by virtue of any other enactment, for the purpose of determining whether he was entitled to receive a superannuation benefit, but for no other purpose;

(*b*) does not include any years added to an employee's service under any provision of a local Act scheme corresponding to regulation 12 of these regulations or which under a local Act scheme are reckonable as if they had been added under any such provision as aforesaid unless he has continued to make payments, at the rate applicable at which, in the manner in which and throughout the period throughout which additional contributions under the said scheme would have been payable by him if he had continued to be subject thereto.

(3) In determining whether any benefit is payable to or in respect of a contributory employee, no account shall be taken of—

(*a*) any year added to his service under the said regulation 12; or

(*b*) any year added to his service under such a provision of a local Act scheme as aforesaid and reckonable as contributing service by virtue of regulations under paragraph (*b*) of subsection (1) of section 13 of the Act of 1937.

PART II.—BENEFITS

Retirement pension

5.—(1) Subject to the provisions of these regulations, a contributory employee of an employing authority shall be entitled, on ceasing to hold an employment under them, to receive an annual pension (in these regulations called a "retirement pension") if—

(*a*) he has completed ten years' service and is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body; or

(a) 11 & 12 Geo. 6. c. 33.

(*b*) he has attained the age of sixty years and completed forty years' service ; or

(*c*) he has attained the age of sixty-five years and completed ten years' service.

(2) Subject to the provisions of paragraph (3) of this regulation, a retirement pension shall be on the following scale:—

(*a*) in respect of each year of contributing service, one eightieth of the employee's average remuneration ;

(*b*) in respect of each year of non-contributing service, one one hundred and sixtieth of his average remuneration.

(3) A retirement pension granted on the grounds mentioned in sub-paragraph (*a*) of paragraph (1) of this regulation shall be at the rate of not less than—

(*a*) twenty eightieths of the employee's average remuneration ; or

(*b*) the amount of the retirement pension to which, apart from any reduction under Part III of these regulations, he would have become entitled if he had continued to be employed at the rate of his average remuneration until he reached the age of sixty-five and then ceased to be employed ;

whichever is the less.

Retirement grant

6.—(1) Subject to the provisions of these regulations, a contributory employee of an employing authority shall be entitled, on ceasing to hold an employment under them, to receive, in addition to any retirement pension to which he may then become entitled, a lump sum grant (in these regulations called a "retirement grant") if—

(*a*) he has completed ten years' service and is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body ; or

(*b*) he has attained the age of sixty years and completed forty years' service ; or

(*c*) he has attained the age of sixty-five years and completed five years' service.

(2) Subject to the succeeding provisions of this regulation, a retirement grant shall be on the following scale:—

(*a*) in respect of each year of contributing service, three eightieths of the employee's average remuneration ;

(*b*) in respect of each year of non-contributing service, three one hundred and sixtieths of his average remuneration.

(3) The amount of the retirement grant payable to a married male employee in respect of whose service a widow's pension may become payable shall be one third of the amount of the retirement grant which would otherwise be payable.

(4) Where at the time when a contributory employee ceases to be employed—

(*a*) he is a widower ; or

(*b*) he and his wife are judicially separated on terms which do not require him to contribute to the support of his wife ; or

(*c*) he is a person whose marriage has been dissolved ;

and the death of his wife or the separation or the dissolution of the marriage, as the case may be, occurred after the thirtieth day of September, 1950, the retirement grant shall be reduced by two eightieths of the average remuneration in respect of each year of contributing service, and by two one hundred and sixtieths thereof in respect of each year of non-contributing service, before the death, separation or dissolution occurred.

(5) In the case of a contributory employee to whom a retirement pension is not payable, if the amount of the retirement grant calculated as aforesaid is less than the amount of his contributions, together with compound interest thereon, the grant shall be increased by the amount of the deficiency.

(6) Where an employee has become entitled to a retirement grant and the amount of the grant, together with the capital value of any retirement pension to which the employee may have become entitled in respect of the same service, is less than the amount of his average remuneration, he shall be entitled, if he gives notice in writing to the employing authority in that behalf, to receive in addition a lump sum equal to the capital value, as certified by an actuary, of the death grant and of any widow's pension which would, apart from this provision, have become payable on his death, or, if being entitled to a retirement pension he elects in the notice to receive an annual sum, an annual sum equivalent in capital value to that lump sum, calculated by reference to tables for the time being in force issued by the Secretary of State; and if the employee gives such notice, no death grant or widow's pension shall be payable in respect of him.

Injury allowance

7.—(1) Subject to the provisions of these regulations, a contributory employee who 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 or by a disease contracted by him to which he was exposed by the nature of his duty (not being an injury or disease wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct) shall be entitled to receive an annual allowance (in these regulations called an "injury allowance") of such amount not exceeding two thirds of his average remuneration as the employing authority may from time to time determine having regard to the circumstances of the case, including any right to any benefit under the National Insurance (Industrial Injuries) Act, 1946(**a**), any other statutory right to benefit or compensation and any right to a superannuation benefit payable under any enactment.

(2) Where a contributory employee dies as a result of such an injury or disease as aforesaid before he ceases to be employed, or having ceased to be employed in consequence of his being incapacitated by such an injury or disease as aforesaid, dies as the result of the injury or disease—

(*a*) if he leaves a widow (not being a widow to whom proviso (ii) to paragraph (1) of regulation 8 of these regulations applies or to whom sub-paragraph (*b*) of paragraph (6) of that regulation for the time being applies) she shall be entitled to receive such lump sum or annual allowance as the employing authority may from time to time determine having regard to all the circumstances of the case, including any such right of the widow as is mentioned in the last foregoing paragraph;

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

(*b*) if he does not leave a widow, or leaves a widow who is not entitled to receive a benefit under the foregoing sub-paragraph, or if his widow having been entitled to receive such a benefit dies or remarries, the employing authority may, if they think fit, grant to any dependant of the employee such lump sum or annual allowance as they may from time to time determine having regard to all the circumstances of the case, including any such right of the dependant as is mentioned in the last foregoing paragraph.

(3) An injury sustained while an employee is, with the express or implied permission of an employing authority, travelling as a passenger by any vehicle to or from his place of employment shall, notwithstanding that he is under no obligation to the employing authority to travel by that vehicle, be deemed to have been sustained in the actual discharge of his duty if—

(*a*) the injury would have been deemed so to have been sustained if he had been under such an obligation; and

(*b*) at the time of the injury, the vehicle—

(i) was being operated by or on behalf of the employing authority or some other person by whom it was provided in pursuance of arrangements made with the employing authority; and

(ii) was not being operated in the ordinary course of a public transport service.

(4) The employing authority shall repay to the appropriate superannuation fund the amount of any benefit paid under this regulation.

(5) The foregoing provisions of this regulation shall apply to or in respect of a contributory employee who has exercised the option conferred on him by regulation 17 of these regulations, unless the benefits which he is entitled to enjoy by virtue of the option include benefits corresponding with those conferred by this regulation.

Widow's pension

8.—(1) Subject to the provisions of these regulations, the widow of a person who dies after the coming into operation of these regulations and—

(*a*) was entitled at the time of his death to a retirement pension or an injury allowance; or

(*b*) was at the time of his death employed in an employment in which he was a contributory employee and had completed not less than ten years' service;

shall be entitled to receive an annual pension (in these regulations called a "widow's pension"):

Provided that a widow shall not be entitled to receive a widow's pension—

(i) by virtue of sub-paragraph (*a*) of this paragraph, if the marriage took place on or after the date on which her husband became entitled to the pension or allowance;

(ii) if she and her husband were judicially separated on terms which did not require him to contribute to her support.

(2) If a person, having ceased after completing ten years' service to hold an employment in which he was a contributory employee without becoming entitled to a retirement pension or an injury allowance, dies within twelve months after having ceased to hold the employment, his widow shall be

entitled as from the date of his death to the like benefit (if any) by way of widow's pension as she would have been entitled to under paragraph (1) of this regulation if he had died immediately before ceasing to hold the employment:

Provided that—

(i) she shall not be entitled to such benefit if a transfer value became payable in respect of her husband upon or after his ceasing to hold the employment;

(ii) if her husband received a return of contributions after ceasing to hold the employment, she shall not be entitled to such benefit unless the amount paid by way of return of contributions is repaid to the superannuation fund;

(iii) if on his death any entitlement to a superannuation benefit (other than a superannuation benefit in respect of previous employment) arose under an enactment other than these regulations, the said superannuation benefit shall be deducted from the benefit under this paragraph.

(3) If a person, having immediately after he ceased to hold an employment in which he was a contributory employee become engaged in national service, dies while engaged in national service or, without having again become a contributory employee, dies within six months after ceasing to be so engaged, his widow shall be entitled as from the date of his death to the like benefit (if any) by way of widow's pension as she would have been entitled to under sub-paragraph (*b*) of paragraph (1) of this regulation if he had returned to his former employment immediately before his death; and if within three months after his death she pays any such sum or sums as he would have been entitled to pay under rules made under section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948, if he had returned as aforesaid, she shall be entitled to the like benefit (if any) by way of widow's pension under the said sub-paragraph (*b*) as she would have been entitled to if he had returned to his former employment immediately before his death and had then made that payment:

Provided that paragraphs (i) and (iii) of the proviso to the last foregoing paragraph shall apply in relation to any entitlement under this paragraph as if references therein to benefit under that paragraph were references to a benefit under this paragraph.

(4) The amount of a widow's pension shall be one third of the amount of the benefit (whether retirement pension or injury allowance or both) to which, apart from any reduction under Part III of these regulations, the husband of the widow was entitled at the time of his death or, as the case may be, of any retirement pension to which, apart from any such reduction, he would have become entitled if he had been at that time a person such as is mentioned in sub-paragraph (*a*) of paragraph (1) of regulation 5 of these regulations.

(5) Where a widow's pension is payable to a widow as being the widow of a man who was in receipt of an injury allowance, the employing authority shall repay to the appropriate superannuation fund the amount by which the pension exceeds the amount of the widow's pension which would have been payable if her husband had not been in receipt of an injury allowance.

(6) A widow's pension shall not be payable to a widow—

(*a*) if she re-marries, or

(*b*) in respect of any period during which she is cohabiting with a man

(7) If on the cessation, by reason of re-marriage or death, of a widow's pension the aggregate amount of the payments made to or in respect of her husband by way of retirement pension, retirement grant, widow's pension or death grant (including, if her husband was entitled to a retirement pension and had surrendered part thereof, any sum which would have been paid on account thereof but for the surrender but excluding, if she had been in receipt of a widow's pension as being the widow of a man who was in receipt of an injury allowance, so much of the widow's pension as is attributable to his having been in receipt of such an allowance) is less than the amount of the death grant which would have been payable in respect of his death if no widow's pension had been payable in respect thereof, she or her legal personal representatives, as the case may be, shall be entitled to receive a sum equal to the deficiency.

Short service grant

9. Subject to the provisions of these regulations, a contributory employee who has completed five but has not completed ten years' service and 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 a lump sum grant (in these regulations called a "short service grant") of a sum equal to the amount of his average remuneration or a sum equal to the amount of his contributions, together with compound interest thereon, whichever is the greater:

Provided that if the employee is also entitled to a retirement grant there shall be deducted from the short service grant the amount of the retirement grant.

Death grant

10.—(1) Subject to the provisions of these regulations, if—

(*a*) a person who is employed in an employment in which he is a contributory employee dies after completing five years' service; or

(*b*) a person, having ceased after completing five years' service to hold an employment in which he was a contributory employee without becoming entitled to a retirement pension or an injury allowance, dies within twelve months after having ceased to hold the employment; or

(*c*) a person dies after having become entitled to a retirement pension, a retirement grant or an injury allowance, without having become entitled to a short service grant;

his legal personal representatives shall be entitled to receive a lump sum grant (in these regulations called a "death grant"):

Provided that—

(i) title to a death grant shall not arise in respect of a person by virtue of sub-paragraph (*b*) of this paragraph if a transfer value became payable in respect of him upon or after his ceasing to hold the employment;

(ii) if he received a return of contributions after ceasing to hold the employment, title to a death grant shall not arise in respect of him by virtue of the said sub-paragraph (*b*) unless the amount paid by way of return of contributions is repaid to the superannuation fund;

(iii) if on his death any entitlement to a superannuation benefit (other than a superannuation benefit in respect of previous employment)

arose under an enactment other than these regulations, the said superannuation benefit shall be deducted from any grant payable by virtue of the said sub-paragraph (*b*).

(2) If a person, having immediately after he ceased to hold an employment in which he was a contributory employee become engaged in national service, dies while engaged in national service or, without having again become a contributory employee, dies within six months after ceasing to be so engaged, his legal personal representatives shall be entitled as from the date of his death to receive the like benefit (if any) by way of death grant as they would have been entitled to receive under sub-paragraph (*a*) of paragraph (1) of this regulation if he had returned to his former employment immediately before his death; and if within three months after his death payment is made of any such sum or sums as he would have been entitled to pay under rules made under section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948, if he had returned as aforesaid, they shall be entitled to receive the like benefit (if any) by way of death grant under the said sub-paragraph (*a*) as they would have been entitled to receive if he had returned to his former employment immediately before his death and had then made that payment:

Provided that paragraphs (i) and (iii) of the proviso to the last foregoing paragraph shall apply in relation to any entitlement under this paragraph as if references therein to a benefit by virtue of sub-paragraph (*b*) of that paragraph were references to a benefit by virtue of this paragraph.

(3) Except as provided in paragraphs (4) and (5) of this regulation, a death grant shall be of a sum equal to—

(*a*) three eightieths of the average remuneration of the deceased person in respect of each year of contributing service and three one hundred and sixtieths thereof in respect of each year of non-contributing service; or

(*b*) the amount of his contributions together with compound interest thereon; or

(*c*) (except in a case mentioned in sub-paragraph (*b*) of paragraph (1) of this regulation) his average remuneration;

whichever is the greatest.

(4) In respect of a person in respect of whose death a widow's pension is payable, the amount of the death grant shall, except as provided in the next succeeding paragraph, be the greater of the following sums, namely—

(*a*) a sum equal to one third of the amount specified in sub-paragraph (*a*) of paragraph (3) of this regulation; and

(*b*) a sum equal to the amount, if any, by which the amount of the death grant which would, but for this paragraph, have been payable under the last foregoing paragraph exceeds the capital value of the widow's pension.

(5) In respect of a person such as is mentioned in sub-paragraph (*c*) of paragraph (1) of this regulation the amount of the death grant shall be a sum calculated in accordance with paragraph (3) or paragraph (4) as the case may be, of this regulation, reduced by a sum equal to the aggregate amount of any payments made to him on account of the benefits mentioned in the said sub-paragraph (*c*) and, if the person was entitled to a retirement pension or an injury allowance and had surrendered a part thereof, by a sum equal to the amount which would have been paid on account thereof but for the surrender.

(6) This regulation, except sub-paragraphs (*a*) and (*b*) of paragraph (1) and paragraph (4), shall apply in respect of a person, who having exercised the option conferred on him by regulation 17 of these regulations, dies after having become entitled to a benefit under these regulations corresponding to a superannuation allowance under Part I of the Act of 1937 as if such a benefit were among the benefits specified in sub-paragraph (*c*) of the said paragraph (1):

Provided that paragraph (3) of this regulation shall have effect in such a case as if sub-paragraphs (*a*) and (*c*) thereof were omitted.

Joint appointments

11. Where one of the holders of a joint appointment under an employing authority ceases to hold his appointment, and the appointment of the other is thereby terminated, then that other, if he is a contributory employee and either has attained the age of fifty years and (if the appointment is made after the coming into operation of these regulations) completed ten years' service or has completed twenty years' service, shall be entitled to receive a retirement pension and a retirement grant calculated in accordance with the provisions of regulations 5 and 6 of these regulations:

Provided that—

(*a*) this regulation shall be deemed never to have applied to a person whose appointment is terminated as aforesaid if before the expiration of one month from his ceasing to hold the appointment he elects by notice in writing to the employing authority not to be entitled to any rights under this regulation;

(*b*) the employing authority may determine that this regulation shall not apply in a case where a joint appointment is terminated in consequence of misconduct of one of the holders thereof in connection with the duties of, or otherwise in relation to, his employment.

Added years in certain cases

12.—(1) Where for the efficient discharge of his duties a contributory employee (within the meaning of the Act of 1937) of an employing authority is required to possess professional or other qualifications and possesses such qualifications which he has not acquired during employment with a local authority, the authority may, if application for the purpose is made in accordance with this regulation, consent to the adding of a number of years to his service:

Provided that—

(*a*) this paragraph shall not apply to a person—

(i) unless at the time of his first becoming a contributory employee (or, if he entered the employment of a local authority before the sixteenth day of May, 1939, at the time of his first entering any such employment) he had reached the age of twenty-seven years but was not over the age of thirty-five years;

(ii) if, on first becoming a contributory employee, he was entitled to reckon as a period of contributing or non-contributing service any period in which he had been employed before reaching the age of twenty-seven years;

(*b*) the number of years added shall not exceed the number of years by which the age of the employee at the time of his first entering the employment of a local authority exceeds the age of twenty years, or ten years, whichever is the less.

(2) An application by an employee for the purposes of this regulation shall be made in writing to the authority by whom he is employed for the time being—

(*a*) in the case of an employee who is a contributory employee at the coming into operation of these regulations, within six months thereafter;

(*b*) in any other case, within six months after the date on which he first becomes a contributory employee after their coming into operation.

(3) Upon giving of such a consent in respect of an employee, the employee shall be liable to pay to the appropriate superannuation fund, at such intervals as the administering authority may determine, by way of additional contributions in respect of each year added to his service—

(*a*) if the employee has not reached the age of fifty-five years at the time of the giving of the consent, an amount in respect of all service thereafter up to the age of sixty years equal to such percentage of his remuneration for the time being as is shown in column 2 of the First Schedule to these regulations opposite the age shown in column 1 thereof which corresponds to his age at the time of the giving of the consent;

(*b*) if he has reached the age of fifty-five years at the time of the giving of the consent, an amount in respect of all service thereafter up to such age, and equal to such percentage of his remuneration for the time being, as the Government Actuary may determine:

Provided that—

(i) if the employee ceases to hold his employment on the ground that he is incapable of discharging efficiently the duties of the employment by reason of permanent ill-health or infirmity of mind or body, or has a disqualifying break of service, or dies before reaching the age of sixty years, no further sum shall be payable under this paragraph;

(ii) the employing authority may if they think fit reduce by not more than one third the percentage applicable in the case of the employee, and if they do so the reduction shall operate so long as he remains liable to make payments under this paragraph.

(4) If the aggregate of the amount payable by the employee under the last foregoing paragraph by way of additional contributions and the amount payable by him by way of contributions under section 6 of the Act of 1937 exceeds fifteen per cent. of his remuneration, he shall satisfy his liability in respect of the excess over fifteen per cent. by payment (either in a lump sum or by way of such instalments payable at such times as may be agreed between him and the authority giving the consent) of a sum certified by the Government Actuary to represent the capital value of the excess.

(5) Any amount payable by an employee under paragraph (3) of this regulation shall be recoverable, either by deduction from his remuneration or otherwise, in like manner and shall be returnable in the like circumstances as if any amounts so payable were contributions to which section 6 of the Act of 1937 applies; and during any period during which by virtue of subsection (5) of the said section 6 an employee whose remuneration has been reduced or discontinued continues to contribute to the superannuation fund the like amount as if it had not been reduced or discontinued, the amount payable by the employee under paragraph (3) of this regulation shall be the amount which would have been so payable if his remuneration has not been reduced or discontinued.

(6) An employing authority who give a consent under this regulation in respect of an employee shall be liable, so long as the employee remains in their employment, to contribute to the appropriate superannuation fund—

(*a*) the like equivalent contributions as they would be liable to contribute if the amounts payable by the employee by way of additional contributions under paragraph (3) of this regulation were contributions to which section 6 of the Act of 1937 applies; and

(*b*) contributions equal to any amounts by which, under proviso (ii) to the said paragraph (3), the authority have reduced the amounts payable by the employee as aforesaid.

Where an employing authority in pursuance of the said proviso (ii) have reduced the amounts payable by an employee as aforesaid or an employee is required by paragraph (4) of this regulation to satisfy his liability in respect of the excess over fifteen per cent. by payment in the manner therein mentioned, the amounts payable by the employing authority in respect of their liability under sub-paragraph (*a*) of this paragraph shall be amounts equal to those which would have been payable by the employee but for the reduction or the requirements of the said paragraph (4).

(7) A contributory employee shall be entitled, if he complies with the requirements of this regulation, to reckon years added to his service by a consent under this regulation as years of contributing service:

Provided that—

(*a*) any years so added shall not be so reckonable—

(i) if the employee fails to pay any amount payable by him under paragraph (3) or paragraph (4) of this regulation; or

(ii) if the employee leaves the employment of the employing authority by whom the consent was given before the expiration of a period, beginning with the giving of the consent, equal to one half of the period specified in the consent and the said authority, before a transfer value is paid in respect of the employee, resolve that the years so added shall not be so reckonable and return to him a sum equal to the aggregate of the amounts paid by him under this regulation;

(*b*) an employee shall not be entitled to the benefit of paragraph (*a*) of sub-section (1) or of sub-section (2)of section 13 of the Act of 1937, (under which a contributory employee who ceases to be employed by an employing authority and within twelve months of so ceasing becomes a contributory employee under that or any other employing authority is entitled to reckon previous service as contributing service only if he pays to the authority by whom he is employed an amount equal to any sum paid to him by way of return of contributions) in relation to years so added unless, in addition to paying such amount as is mentioned in that section, he also pays to the employing authority by whom he is employed an amount equal to any sum which, on his ceasing to hold his former employment, was paid to him by way of return of additional contributions under paragraph (3) of this regulation;

(*c*) any years so added shall not in any circumstances be reckonable as non-contributing service.

(8) The foregoing provisions of this regulation shall apply to an employee who has exercised the option conferred on him by regulation 17 of these regulations.

Additional compensatory benefit

13.—(1) If a person to whom the provisions of subsection (1) of section 16 of the Act of 1937 apply becomes entitled to a retirement pension on or after attaining the age of sixty years and has not then completed forty years' service, the employing authority may grant to her an additional benefit not exceeding the difference between the benefit to which she is entitled and the benefit to which she would have been entitled if the provisions of the said subsection had not applied to her and she had remained in the employment of the authority until she attained the age of sixty-five years receiving an annual remuneration equal to the annual average of the remuneration received by her in respect of service rendered during the three years ending on the last day of her service :

Provided that the employing authority shall repay to the appropriate superannuation fund the amount of any additional benefit granted under this regulation.

(2) The foregoing provisions of this regulation shall apply to an employee who has exercised the option conferred on her by regulation 17 of these regulations as if any reference in this regulation to a retirement pension included a reference to a benefit under these regulations corresponding to a superannuation allowance under Part I of the Act of 1937 and the reference therein to three years were a reference to five years.

Increase of retirement grant in certain cases

14. The amount, calculated in accordance with regulation 6 of these regulations, of the retirement grant payable to an employee who—

(*a*) being qualified to exercise any right conferred by regulation 17 of these regulations, has not exercised it ; or

(*b*) having been subject to provisions corresponding to those of this regulation contained in a local Act or a local Act scheme or in a scheme made in relation to a local Act, became a contributory employee without having a disqualifying break of service after being so subject ;

shall be increased by one half per cent. in respect of each year of contributing service and by one quarter per cent. in respect of each year of non-contributing service :

Provided that—

(i) where the whole or any part of the grant falls to be calculated, in the case of any year of contributing service by reference to one eightieth of the employee's average remuneration, and in the case of any year of non-contributing service by reference to one one hundred and sixtieth of such remuneration, one and one half per cent. shall be substituted for one half per cent. in respect of each such year of contributing service and three quarters per cent. shall be substituted for one quarter per cent. in respect of each such year of non-contributing service ;

(ii) in the case of such a person as is mentioned in paragraph (*a*) of this regulation service after the thirtieth day of September, 1950, and in the case of such a person as is mentioned in paragraph (*b*) thereof service after the corresponding date specified in the said provisions shall not be reckonable for the purposes of this regulation.

Additional contributory payment

15. Any sum payable for the purposes of subsection (3) of section 2 of the Act of 1953 (under which a contributory employee is entitled, if he makes the appropriate payments, to have the whole or a part of his non-contributing service reckoned as contributing service) shall be calculated in the manner and payable at the times provided in the Second Schedule to these regulations.

Benefit accruing by virtue of section 6 (1) *of the Act of* 1953

16. Where a person to whom subsection (1) of section 6 of the Act of 1953 applies becomes a contributory employee and thereafter becomes entitled to a benefit under these regulations in respect of service since he so became a contributory employee—

(*a*) paragraph (3) of regulation 5 and sub-paragraph (*c*) of paragraph (3) of regulation 10 of these regulations shall not apply;

(*b*) in the case of a short service grant, if the service reckonable for calculating the amount of the grant is less than five years, the amount of the grant shall be either the amount which bears the same proportion to the sum otherwise payable as the period of service so reckonable bears to the period of five years or a sum equal to the amount of his contributions together with compound interest thereon, whichever is the greater.

Option to retain existing benefits

17.—(1) Subject to the provisions of paragraph (2) of this regulation—

(*a*) a person who, being immediately before the coming into operation of these regulations employed in an employment in which he was a contributory employee, within six months thereafter notifies the employing authority in writing that he does not wish to avail himself of the benefits provided under these regulations;

(*b*) a person who, having before the coming into operation of these regulations ceased to hold an employment in which he was a contributory employee, and having immediately after so ceasing become engaged in national service again becomes a contributory employee within six months after ceasing to be so engaged, and within six months after again becoming a contributory employee notifies the employing authority as aforesaid; and

(*c*) a person who, having been employed in employment in which he was a contributory employee, but not being employed in such employment on the coming into operation of these regulations, becomes a contributory employee without having had a disqualifying break of service, but without having in the meantime become a local Act contributor and within six months after again becoming a contributory employee notifies the employing authority as aforesaid;

shall be entitled to enjoy rights to benefits corresponding to those previously enjoyed by him in lieu of the rights (other than any right expressly made applicable to or in respect of him by these regulations) which he would otherwise enjoy under or by virtue of these regulations.

(2) A person who immediately before the coming into operation of these regulations was subject to the provisions of a local Act or of a scheme made under subsection (1) of section 21 of the Act of 1937 or having effect under subsection (2) of that section, being a local Act or scheme under which the Act of 1937 applied to him subject to modification of the provisions thereof relating to entitlement to or calculation of benefits, shall be deemed for the purposes of this regulation to have been employed immediately before the coming into operation of these regulations in employment in which he was a contributory employee if the said modifications ceased to apply to him with effect from the coming into operation of these regulations.

(3) A person who has exercised an option conferred on him by this regulation shall be entitled to enjoy the said corresponding rights so long only as he continues to be a contributory employee without a disqualifying break of service.

Retrospective application of the regulations

18.—(1) If a person who became entitled to a superannuation allowance after the thirtieth day of September, 1950, but before the coming into operation of these regulations (being a man who has a wife living who would be entitled to a widow's pension if he were entitled to a retirement pension and died forthwith) gives notice in that behalf, there shall be payable to or in respect of him such of the benefits conferred under these regulations as would have been payable to or in respect of him if they had been in operation at the time of his retirement.

(2) If a person—

(*a*) having become entitled to a superannuation allowance after the thirtieth day of September, 1950, died before the coming into operation of these regulations; or

(*b*) after completing ten years' service, died while still in an employment in which he was a contributory employee after the said date but before the coming into operation of these regulations; or

(*c*) after completing ten years' service ceased to hold an employment in which he was a contributory employee (without becoming entitled to a superannuation allowance) not more than twelve months before, and died before, the coming into operation of these regulations:

and notice in that behalf is given by his widow, there shall be payable in respect of him, subject to the provisions of these regulations, such benefit by way of widow's pension and death grant, or under paragraph (7) of regulation 8 of these regulations, as would have been payable in respect of him if these regulations had been in operation at the time of his death:

Provided that—

(i) no such benefit shall be payable in respect of him by virtue of sub-paragraph (*c*) of this paragraph if a transfer value became payable in respect of him upon or after his ceasing to hold the employment;

(ii) if he received a return of contributions after ceasing to hold the employment no such benefit shall be payable in respect of him under the said sub-paragraph (*c*) unless the amount paid by way of return of contributions is repaid to the superannuation fund;

(iii) if on his death any entitlement to a superannuation benefit (other than a superannuation benefit in respect of previous employment) arose under an enactment other than these regulations, the said superannuation benefit shall be deducted from any benefit payable by virtue of the said sub-paragraph (*c*).

(3) If a person, having immediately after he ceased to hold an employment in which he was a contributory employee become engaged in national service, dies while engaged in national service or, without having again become a contributory employee, dies within six months after ceasing to be so engaged, and not more than six months before the coming into operation of these regulations, and notice is duly given in that behalf, there shall be payable in respect of him, subject to the provisions of these regulations, such benefit (if any) by way of widow's pension and death grant, or under paragraph (7) of regulation 8 of these regulations, as would have been payable in respect of him under sub-paragraph (*b*) of paragraph (2) of this regulation if he had returned to his former employment immediately before his death; and if within three months after his death payment is made of any such sum or sums as he would have been entitled to pay under rules made under section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948, if he had returned as aforesaid, there shall be payable in respect of him, subject as aforesaid,

such (if any) of the benefits aforesaid as would have been payable in respect of him if he had returned to his former employment immediately before his death and had then made that payment:

Provided that paragraphs (i) and (iii) of the proviso to the last foregoing paragraph shall apply in relation to any entitlement under this paragraph as if references therein to a benefit by virtue of sub-paragraph (*c*) of that paragraph were references to a benefit by virtue of this paragraph.

(4) Where a person, having retired after the thirtieth day of September, 1950, but before the coming into operation of these regulations, received an injury gratuity under subsection (2) of section 11 of the Act of 1937, or a gratuity under section 18 of the Act of 1953, granted in consequence of his being permanently incapacitated by such an injury or disease as is mentioned in paragraph (1) of regulation 7 of these regulations, then—

(*a*) if he gives notice in that behalf, he shall be entitled to receive such injury allowance as he would have been entitled to receive under these regulations if they had been in operation at the time of his retirement;

(*b*) if he died before the coming into operation of these regulations and his widow or a dependant gives notice in that behalf, his widow shall be entitled to receive or, as the case may be, there may be paid to the dependant such benefit as the widow would have been entitled to receive, or as might have been paid to the dependant, by virtue of paragraph (2) of regulation 7 of these regulations if it had been in operation at the time of his death.

(5) A person who after the thirtieth day of September, 1950, ceased to be employed in circumstances in which, if these regulations had then been in operation, he would have been entitled to receive an injury allowance but did not receive a gratuity under subsection (2) of section 11 of the Act of 1937 or under section 18 of the Act of 1953, shall be entitled, if he gives notice in that behalf, to receive such injury allowance as he would have been entitled to receive if these regulations had been in operation at the time of his retirement.

(6) Where a person after the thirtieth day of September, 1950, but before the coming into operation of these regulations died in circumstances in which a benefit would have been payable to his widow or might have been paid to his dependants under the provisions of paragraph (2) of regulation 7 of these regulations if they had then been in operation, his widow shall be entitled to receive, or there may be paid to his dependants, if his widow or his dependants, as the case may be, give notice in that behalf, such benefit as she would have been entitled to receive, or as might have been paid to them, by virtue of that paragraph if it had been in operation at the time of his death.

(7) The employing authority shall repay to the appropriate superannuation fund the amount of any benefit paid under any of the last three foregoing paragraphs.

(8) If a person—

(*a*) dies before the expiration of the period within which he was entitled to give notice under the foregoing provisions of this regulation, without giving notice thereunder; or

(*b*) having given notice thereunder dies before the substitution of benefits under paragraph (4) of the next succeeding regulation had become effective;

there shall be payable in respect of him, if notice is duly given in that behalf, the like benefit as would have been so payable under the foregoing

provisions of this regulation if he had died before the coming into operation of these regulations, and any specification of an amount in pursuance of paragraph (9) of this regulation shall be disregarded.

(9) Where a notice is given under this regulation by a person who had surrendered part of a superannuation allowance he shall be deemed to have surrendered in favour of his wife such an amount of the retirement pension to which he becomes entitled as he may specify in the notice, being an amount which—

(*a*) is not greater than the amount surrendered ;

(*b*) if less than the amount surrendered, is an amount which he could surrender if he were making a surrender in pursuance of the Local Government Superannuation (Surrender of Superannuation Allowance) (Scotland) Rules, 1954(**a**).

Provisions supplementary to regulation 18

19.—(1) Every administering authority shall, as soon as may be after the coming into operation of these regulations, or, in a case to which paragraph (8) of regulation 18 of these regulations applies, after the death of the person concerned, furnish to every person to whom by virtue of the said regulation, on the giving of notice in that behalf, a benefit under these regulations would be payable, a statement containing particulars of—

(*a*) the amount of any benefits (including a return of contributions and any pension paid to a widow by virtue of a surrender, and, unless the employing authority determine that it is not to be included, a gratuity) which have already been paid to or in respect of the employee in respect of whose service any benefit became payable, and of any benefits which will in future be payable if such notice as aforesaid is not given ;

(*b*) the amount of the benefits which would have been payable to or in respect of the employee if these regulations had been in operation at the time of his retirement or death, as the case may be, (being, in a case where part of a superannuation allowance had been surrendered, the amount which would have been so payable if there had been no such surrender) and the amount of the benefits which will be payable apart from any such surrender if such notice is given:

Provided that where the benefit under these regulations—

(i) would include a benefit under regulation 7 of these regulations ; or

(ii) may be increased in consequence of a resolution of the employing authority that the whole or some part of the employee's non-contributing service shall be reckoned as contributing service,

the statement shall be furnished by the administering authority after consultation with the employing authority if they are not the same authority.

(2) A notice for the purposes of the said regulation 18 shall be given to the administering authority in writing within three months after receipt of the statement required under paragraph (1) of this regulation.

(3) The benefit payable upon the giving of any such notice shall be payable—

(*a*) where the benefit is payable in respect of the retirement of an employee, from the date of his retirement ;

(*b*) where the benefit is payable in respect of the death of an employee, from the date of his death.

(4) Any benefit payable as aforesaid shall be in substitution for any other benefit (including a return of contributions and any pension payable to a

(a) S.I. 1954/888, p. 1709 below.

widow by virtue of a surrender, and, unless the employing authority determine otherwise, a gratuity) which but for the giving of the notice would be payable to or in respect of the person giving it (in this regulation called "the optant").

(5) Where a benefit becomes payable as aforesaid, the administering authority shall calculate—

(*a*) the amount which the optant has received by way of benefit (including any gratuity affected and any pension paid to a widow by virtue of a surrender and any return of contributions) up to the date of the giving of the notice; and

(*b*) the amount which the optant would have received by way of benefit up to the said date if these regulations had been in operation from the time when the superannuation allowance or gratuity became payable or title to the return of contributions arose, as the case may be;

including in each case, where the optant is not the person in respect of whom the benefits were paid or would have been payable, any amounts which were paid or would have been payable, as the case may be, to any person other than the optant.

(6) If the amount calculated in pursuance of sub-paragraph (*a*) of the last foregoing paragraph is less than the amount calculated in pursuance of sub-paragraph (*b*) thereof, the administering authority shall pay to the optant an amount equal to the deficiency; and if it is greater, the optant shall pay the administering authority an amount equal to the excess, and the administering authority shall be entitled to recover the excess from the optant by deductions from any benefit payable to or in respect of the optant or otherwise, and may, if they think fit, require, as a condition of the right to exercise the option the giving of security for the payment of the excess.

Conversion of benefits

20.—(1) A person who is entitled to a retirement grant or a short service grant may, if he gives notice to the employing authority in writing in that behalf—

(*a*) where the grant is payable in respect of retirement on account of age after the coming into operation of these regulations, not later than one month before the date of his retirement, or, if he retired during the period of two months after their coming into operation, within one month after the date of his retirement;

(*b*) in any other case of retirement after their coming into operation, not later than three months after the date of his retirement;

(*c*) where the grant is payable in pursuance of a notice under regulation 18 of these regulations, at the time when the notice is given;

forgo his title to a lump sum payment and receive in lieu thereof annual pension for life calculated by reference to tables for the time being in force issued by the Secretary of State.

(2) Where any benefit payable under or by virtue of these regulations is an annual sum of an amount not exceeding twenty-six pounds, the administering authority may discharge their liability in respect thereof by the payment of a lump sum representing the capital value of the annual sum payable:

Provided that this paragraph shall not apply in a case where a conversion has been made in pursuance of paragraph (1) of this regulation.

Contributory employees on the medical or nursing staff, etc., of a local authority

21.—(1) This regulation applies to a contributory employee within the meaning of the Act of 1937 who—

(*a*) is on the medical or nursing staff of a local health authority ; or

(*b*) is employed by an education authority for the purpose of the school health service on the medical or nursing staff of the authority ; or

(*c*) falls within such a class or description of persons as the Secretary of State may designate after consultation with associations of local authorities appearing to him to be concerned :

Provided that this regulation shall not apply to a person who by virtue of a single appointment under any authority is engaged partly in services mentioned in this paragraph and partly in other services unless in that appointment he is mainly engaged in services mentioned in this paragraph.

In this paragraph—

" local health authority " means a local health authority within the meaning of the National Health Service (Scotland) Act, 1947(**a**), or a joint committee or board constituted under section 20 of that Act :

" education authority " means an education authority within the meaning of the Education (Scotland) Act, 1946(**b**).

(2) The foregoing provisions of these regulations shall apply to the contributory employee to whom this regulation applies with the modifications that—

(*a*) (except in sub-paragraph (*b*) of paragraph (3) of regulation 5 and in regulation 13) for references to the age of sixty-five years there shall be substituted references to the age of sixty years or, in the case of female nurses, female physiotherapists, midwives and health visitors, to the age of fifty-five years ; and

(*b*) sub-paragraph (*b*) of paragraph (1) of regulation 5 and sub-paragraph (*b*) of paragraph (1) of regulation 6 shall not apply ;

and with the further modifications and exceptions specified in the succeeding provisions of this regulation :

Provided that—

(i) where, under the provisions of a local Act or of a scheme made in relation thereto, the Act of 1937 applies to any such contributory employee with modifications of the provisions thereof relating to entitlement to or calculation of benefits, these regulations shall apply to him with such further modifications as may be necessary to bring the provisions of these regulations relating to those matters into conformity with the corresponding provisions of the local Act or scheme ;

(ii) the modifications contained in sub-paragraphs (*a*) and (*b*) of this paragraph shall not apply in the case of a designated employee who before ceasing to be a contributory employee gives or has at any time given notice in writing to the employing authority that he does not desire the modifications to apply in his case.

(3) For the purposes of proviso (i) to paragraph (2) of this regulation, the local Act or scheme shall have effect as if—

(*a*) references therein to service were references to service as defined in section 34 of the Act of 1937 ; and

(*b*) any provision thereof applying a maximum rate to any benefit which is calculated by reference to any employee's service were omitted.

(a) 10 & 11 Geo. 6. c. 27. (b) 9 & 10 Geo. 6. c. 72.

(4) A person who immediately before the coming into operation of these regulations was entitled to rights under regulation 29 of the regulations of 1950, as applied by paragraph (2) of regulation 45 thereof, shall (whether or not he continues to be a person to whom this regulation applies) have rights corresponding to those to which he would have been entitled if the said regulation 29, as applied as aforesaid, has continued to apply to him.

(5) If a person before becoming a contributory employee was an officer of an employing authority to whom regulation 29 of the regulations of 1950 applied, and is entitled by virtue of regulation 49 of the said regulations or any regulation replacing that regulation, on becoming a contributory employee, to reckon service as such an officer as service for the purposes of the Act of 1937, he shall (whether or not he continues to be a person to whom this regulation applies) have rights corresponding to those to which he would have been entitled if the said regulation 29 had continued to apply to him.

In this paragraph the expression "employing authority" has the same meaning as in the regulations of 1950.

(6) Regulation 17 of these regulations shall not apply to a person to whom immediately before the coming into operation of these regulations the provisions of Part III or Part IV of the regulations of 1950 applied.

(7) Paragraph (3) of the said regulation 17, in its application to a person, other than a person mentioned in the last preceding paragraph, to whom this regulation applies, shall have effect as if for the words "so long only as he continues to be a contributory employee without a disqualifying break of service" there were substituted the words "so long only as he remains, without a break of twelve months or more at any one time, a contributory employee in employment such as is mentioned in paragraph (1) of regulation 21 of these regulations".

(8) Regulation 18 of these regulations shall not apply to or in respect of any person who became entitled to receive a benefit under Part III or Part IV of the regulations of 1950 after the thirtieth day of September, 1950, but before the coming into operation of these regulations, but where a person or his widow would, but for this paragraph, have been qualified to give notice under paragraph (1) or paragraph (2) of the said regulation he or his widow shall be entitled to receive the corresponding benefit under these regulations.

(9) A person who became entitled after the thirteenth day of July, 1953, but before the coming into operation of these regulations to receive a benefit under Part III or Part IV of the regulations of 1950 (being a person who would not have been qualified to give notice under paragraph (1) of regulation 18 of these regulations) shall be entitled to receive the corresponding benefit under these regulations.

(10) Paragraphs (3) to (6) of regulation 19 of these regulations shall apply with any necessary modifications to a benefit payable by virtue of paragraph (8) or paragraph (9) of this regulation.

(11) Paragraphs (6), (8), (9) and (10) of this regulation shall apply to a person who immediately before the coming into operation of these regulations was subject to benefits similar to benefits conferred by these regulations in lieu of benefits conferred by Part I of the Act of 1937 as they do to a person who was subject to the provisions of Part III or Part IV of the regulations of 1950, and as if in the said paragraph (9) for the date the thirtieth of September, 1950, there were substituted the corresponding date applicable

to or in respect of him under the local Act, and in the application of these regulations to such a person—

(*a*) in paragraph (4) of regulation 6 for the date the thirtieth of September, 1950, there shall be substituted a reference to the said corresponding date;

(*b*) Regulation 14 of these regulations shall have effect as if—

(i) The words from the word "who" to the end of paragraph (*b*) were omitted: and

(ii) Paragraph (ii) of the proviso thereto provided that in the case of such a person service after the said corresponding date should not be reckonable for the purposes of that regulation.

(12) If a person, having ceased to be employed before the coming into operation of these regulations would have been such a person as is mentioned in paragraph (4), (6) or (11) of this regulation if he had been employed in similar employment at their coming into operation, the paragraph which would then have applied to him shall apply to him if—

(*a*) he becomes a contributory employee within twelve months of so ceasing to be employed; or

(*b*) having become engaged in national service immediately after having ceased to be employed, he becomes a contributory employee within six months after the termination of that service.

(13) Where a person after being granted a retirement pension or an injury allowance under this regulation enters any employment, not being employment with a local authority, the remuneration of which is payable out of public funds, the pension or allowance shall be subject to the like reduction as it would be subject to if section 26 of the Act of 1937 extended to the employment.

Local Act contributors on the medical or nursing staff, etc., of a local authority

22.—(1) In relation to a local Act contributor who is such a person as is mentioned in sub-paragraph (*a*), (*b*) or (*c*) of paragraph (1) of regulation 21 of these regulations, the relevant local Act scheme shall apply as if, in consideration of the contributions required thereby, for the benefits under the scheme there were substituted the benefits provided under these regulations as modified by the said regulation 21 and by paragraphs (2) and (3) of this regulation; and the scheme shall have effect accordingly with any necessary modifications, including the modifications that in these regulations as they apply for the purposes of the scheme—

(*a*) references to contributing service shall be read as references to service;

(*b*) references therein to non-contributing service shall, if the scheme contains no provision as to non-contributing service, be disregarded; and

(*c*) regulation 3 shall not apply.

(2) Paragraph (3) of the said regulation 21 shall apply for the purposes of this regulation:

Provided that nothing in the said paragraph as it applies for those purposes shall prevent the reckoning of any service before the age of eighteen years which would otherwise be reckonable.

(3) Paragraph (3) of regulation 17 of these regulations, in its application to a local Act contributor such as is mentioned in paragraph (1) of this regulation, shall have effect as if for the words "so long only as he continues to be a contributory employee without a disqualifying break of service" there were substituted the words "so long only as he continues, without a break

of twelve months or more at any one time, to be employed by the same local Act authority as a person such as is mentioned in paragraph (1) of regulation 22 of these regulations"; and paragraph (7) of the said regulation 21 shall not apply to any such local Act contributor.

Female members of staffs of children's homes and hostels and certain female nurses, midwives and health visitors

23. These regulations shall apply to—

(*a*) a person to whom section 16 of the Act of 1937 applies by virtue of section 9 of the Act of 1953; and

(*b*) a female nurse, a midwife and a health visitor, being a contributory employee, to whom the said section 16 does but regulation 21 of these regulations does not apply;

with the modifications that in sub-paragraph (*b*) of paragraph (1) of regulation 5 and in sub-paragraph (*b*) of paragraph (1) of regulation 6 fifty-five years shall be substituted for sixty years and thirty years for forty years and that in sub-paragraph (*c*) of each of the said paragraphs sixty years shall be substituted for sixty-five years:

Provided that the modifications of the said regulations 5 and 6 shall not apply in the case of a designated employee who before ceasing to be a contributory employee gives or has at any time given notice in writing to the employing authority that she does not desire the modifications to apply in her case.

PART III.—MODIFICATION OF RETIREMENT BENEFITS AND CERTAIN PAYMENTS

Interpretation of Part III

24. In this Part of these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them, namely—

"the Act of 1936" means the Widows', Orphans' and Old Age Contributory Pensions Act, 1936(**a**);

"the Act of 1946" means the National Insurance Act, 1946;

"added years" in relation to any person, means any additional years of service which that person is entitled to reckon under regulation 12 of these regulations or under a local Act or under regulations made under the Act of 1937;

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

"contributing service" includes any service which under any enactment is reckonable as contributing service for the purpose of calculating a retirement benefit;

"the Firemen's Pension Scheme" means the scheme for the time being in force under section 26 of the Fire Services Act, 1947(**b**);

"insured person" has the same meaning as in the Act of 1946;

"the modification regulations" means the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947(**c**), as amended by subsequent regulations;

"retirement benefit" means a retirement pension or a benefit under these regulations corresponding to a superannuation allowance under Part I of the Act of 1937.

(a) 26 Geo. 5 & 1 Edw. 8. c. 33. (b) 10 & 11 Geo. 6. c. 41.
(c) S.R. & O. 1947/1697 (Rev. XVI, p. 286: 1947 I, p. 1509).

Modification of benefits

25. Subject to the provisions of this Part of these regulations, where an insured person is a contributory employee or a person to whom these regulations apply in the manner mentioned in proviso (i) to paragraph (2) of regulation 21 of these regulations and the employing authority employing him as such an employee or person is his employer for the purposes of the Act of 1946, then if on ceasing to hold that employment he becomes entitled to a retirement benefit, the provisions of the Third Schedule to these regulations shall apply for the modification of that benefit.

Persons whose benefits are not subject to modification

26. The provisions of the Third Schedule to these regulations shall not apply—

(*a*) to a person who in pursuance of the provisions of paragraph (*a*) of subsection (3) of section 71 of the Act of 1946 is deemed to attain pensionable age, as defined in that Act, on the expiration of ten years from the appointed day;

(*b*) to a person to whom by virtue of regulation 9A or 10 the modification regulations (which relate respectively to persons transferring from the fire service to local government service and to persons who were contributory employees, local Act contributors or established officers or servants on or before the appointed day) regulation 3 of those regulations does not apply immediately before he becomes entitled to retirement benefit;

(*c*) to a person in relation to service in employment in which he is a contributory employee which he entered after having become entitled (otherwise than in consequence of permanent ill-health or infirmity of mind or body) on leaving employment in which he was a contributory employee or a local Act contributor or in respect of which he was superannuable out of public funds to a retirement benefit or to any corresponding benefit payable under any enactment;

(*d*) to a person who—

(i) being a person to whom subsection (1) of section 6 of the Act of 1953 applies, entered employment in which he was a contributory employee or a local Act contributor within twelve months after leaving employment in respect of which he became entitled to a pension or an injury allowance, payable out of public funds, other than a benefit to which paragraph (*c*) of this regulation applies; and

(ii) immediately before he left the last-mentioned employment was not subject to any provision for the reduction, on account of or in relation to the Act of 1946, of the contributions payable or a benefit receivable by him under the enactment applicable to him in that employment; and

(iii) has not had a disqualifying break of service since the said subsection (1) first applied to him.

Special provision for certain members of fire brigades

27. In the case of a person who, on leaving employment as a member of a fire brigade of a class prescribed by the Firemen's Pension Scheme for the purposes of section 2 of the Fire Services Act, 1951(a) (being employment in relation to which he was an insured person, and employment in which

(a) 14 & 15 Geo. 6. c. 27.

he was subject to the provisions of the said Scheme relating to the reduction of a fireman's ordinary pension, a short service pension and an ill-health pension) became a contributory employee or a local Act contributor and as such became entitled, by virtue of regulations made by the Secretary of State under section 28 of the Fire Services Act, 1947, to reckon a period of such employment as contributing service, or, as the case may be, as service for the purposes of the local Act scheme—

(*a*) the provisions of the Third Schedule to these regulations, in their application to him, shall have effect as if, when he became a contributory employee or a local Act contributor as aforesaid, the said period became contributing service, or, as the case may be, service for the purposes of the local Act scheme, rendered after the appointed day;

(*b*) if he was subject to the operation of the aforesaid provisions of the Firemen's Pension Scheme by virtue of the making of an election or the giving of a notice and has not had a break of more than twelve months, the provisions of the said Schedule, in their application to him, shall have effect as if the employment were contributing service to which sub-paragraph (2) of paragraph 2 thereof applied, with the substitution for the reference therein to the age of the employee at the material date of a reference to his age at the date on which the said election or notice became effective:

Provided that no account shall be taken for the purposes of this regulation of any period which a person became entitled as aforesaid to reckon as contributing service or as service for the purposes of the local Act scheme unless it is attributable to service which would have been taken into account for the purposes of the said provisions of the Firemen's Pension Scheme.

Other persons to whom special provisions as to modification of pensions apply

28.—(1) If by virtue of regulation 11 of the modification regulations (which relates to persons who were subject to a scheme made pursuant to subsection (3) of section 28 of the Act of 1936) the provisions of the Act of 1937 with respect to the payment of contributions apply to a person immediately before he becomes entitled to a retirement benefit subject to the like modifications as were applicable in relation to him by virtue of the existing scheme to which that regulation refers, the retirement benefit shall be subject to the like modifications as were applicable to him by virtue of the said existing scheme, and if he is entitled to a retirement grant the amount thereof, so far as it relates to service in respect of which his retirement benefit is by virtue of the said modifications reduced, shall be reduced—

(*a*) in respect of each year of contributing service by three eightieths of the amount which, by the existing scheme, was required to be deducted from the annual average of his remuneration in calculating his superannuation allowance; and

(*b*) in respect of each year of non-contributing service by three one hundred and sixtieths of the amount referred to in the last foregoing sub-paragraph:

Provided that so much of this paragraph as relates to a reduction of a retirement grant shall not apply to any person unless under the scheme the amount of the reduction of benefit is calculated by reference to the annual average of his remuneration.

(2) If by virtue of regulation 9 of the modification regulations (which relates to persons who have been entitled to participate in benefits provided under section 66 of the National Health Service (Scotland) Act, 1947, or section 67 of the National Health Service Act, 1946(a), and to persons who have been contributory employees or local Act contributors within the meaning of the Local Government Superannuation Act, 1937(b)) the provisions of the Act of 1937 with respect to the payment of contributions apply to a person immediately before he becomes entitled to a retirement benefit subject, as nearly as maybe, to the like modifications (if any) as by virtue of his having been employed in employment in relation to which he was an insured person were applicable in relation to him as a person entitled to participate in the superannuation benefits to which the said regulation 9 refers or as a contributory employee or a local Act contributor within the meaning of the Local Government Superannuation Act, 1937, as the case may be, the retirement benefit shall be subject to the like modifications as were applicable in relation to him as a person entitled to participate in the superannuation benefits to which the said regulation refers:

Provided that any such modifications which were applicable to him solely by virtue of his having been a person of a special class shall not apply to him unless he was a person of that class on becoming a contributory employee or local Act contributor in the circumstances mentioned in the said regulation.

Exclusion of certain service

29. Where a person to whom the said Schedule applies was during any period both a contributory employee or a local Act contributor in the part-time employment of one or more local authorities and employed in other employment in which he was not a contributory employee or a local Act contributor, then if his employer in that other employment was treated as his employer for the purposes of the Act of 1946, no account shall be taken for the purposes of the said Schedule of his service during that period.

Local Act contributors to whom regulation 22 *applies*

30. The foregoing provisions of this Part of these regulations shall apply with any necessary modifications to a local Act contributor to whom regulation 22 of these regulations applies as they apply to a contributory employee.

Modifications of payments under regulations 12 *and* 15

31. Any amount payable by a person whose contributions are subject to modification under the modification regulations—

(*a*) by way of additional contributions in respect of years added under regulation 12 of these regulations ; or

(*b*) in accordance with the Second Schedule to these regulations in respect of a period of non-contributing service of which account may be taken in calculating the amount of the reduction of a retirement benefit or any similar benefit to which the person may become entitled ;

shall be reduced by the amount obtained by—

(i) ascertaining the sum by which, in respect of the years so added or the period of non-contributing service which may so be taken into account, any retirement benefit or other similar benefit to which the person may become entitled is liable to be reduced under paragraph 2 of the Third Schedule to these regulations ; and

(a) 9 & 10 Geo. 6. c. 81. (b) 1 Edw. 8 & 1 Geo. 6. c. 68.

(ii) taking for each pound of the sum so ascertained (and proportionately for any fraction of a pound) the sum shown in the appropriate column of Table III or Table IV, as the case may be, set out at the end of the said Third Schedule in relation to an age which corresponds with that of the person on the date on which consent was given under the said regulation 12 or, as the case may be, notice was given under the said Second Schedule.

Dated this 30th day of July, 1954.

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

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE Regulation 12 (3)

ADDITIONAL CONTRIBUTIONS FOR ADDED YEARS

Age at date of giving consent (1)	Percentage of remuneration payable by the employee in respect of each year added (2)
27 and under 28	·16
28 ,, ,, 29	·17
29 ,, ,, 30	·18
30 ,, ,, 31	·19
31 ,, ,, 32	·20
32 ,, ,, 33	·21
33 ,, ,, 34	·22
34 ,, ,, 35	·23
35 ,, ,, 36	·24
36 ,, ,, 37	·25
37 ,, ,, 38	·26
38 ,, ,, 39	·28
39 ,, ,, 40	·30
40 ,, ,, 41	·32
41 ,, ,, 42	·34
42 ,, ,, 43	·36
43 ,, ,, 44	·38
44 ,, ,, 45	·41
45 ,, ,, 46	·44
46 ,, ,, 47	·48
47 ,, ,, 48	·53
48 ,, ,, 49	·58
49 ,, ,, 50	·64
50 ,, ,, 51	·72
51 ,, ,, 52	·81
52 ,, ,, 53	·92
53 ,, ,, 54	1·07
54 ,, ,, 55	1·28

SECOND SCHEDULE Regulation 15

ADDITIONAL CONTRIBUTORY PAYMENTS

1. The sum payable by a contributory employee who, in pursuance of subsection (3) of section 2 of the Act of 1953, desires to have any period of non-contributing service reckoned as contributing service shall be calculated in accordance with the provisions of paragraph 7 of this Schedule.

2. Any such sum may be paid upon the employee giving notice in writing to the employing authority that he intends to make a payment for the purpose of the said subsection in such manner (whether by a lump sum or instalments or partly in one way and partly in the other) and at such times as may be agreed between the employee and the employing authority.

3. The notice for the purposes of paragraph 2 of this Schedule shall be given—

(*a*) in respect of any non-contributing service to which an entitlement had been accepted by the employing authority at the coming into operation of these regulations, within three months of their coming into operation;

(*b*) in any other case, within three months of the notification of a decision of the employing authority, given in pursuance of regulations made under subsection (6) of section 31 of the Act of 1937, that the employee is a contributory employee, or that he is entitled to reckon a period of employment as non-contributing service, as the case may be, or, where there is an appeal, within three months of the decision of the Secretary of State thereon.

4. While any sum payable under this Schedule remains outstanding, the following provisions shall have effect:—

(*a*) compound interest shall be payable as from the giving of the notice upon the amount for the time being outstanding;

(*b*) if—

(i) the employee becomes entitled to a retirement pension or retirement grant, or

(ii) a widow's pension becomes payable on his death to his widow, or

(iii) a death grant becomes payable in respect of him, or

(iv) the employee becomes entitled to a short service grant,

the amount outstanding may be recovered by deductions from any payment on account of any such benefit or otherwise;

(*c*) if the employee—

(i) becomes entitled to an injury allowance and to no other benefit, or

(ii) dies without having become entitled to a retirement pension or retirement grant and without leaving a widow entitled to a widow's pension, and no death grant is payable in respect of him,

all liability in respect of the balance of the amount outstanding shall cease;

(*d*) if the employee ceases to hold his employment without having become entitled to a benefit under these regulations and is entitled to a return of contributions, after the expiration of twelve months his liability in respect of any amount outstanding shall cease, save as provided in paragraph 5 of this Schedule.

5.—(1) If, while any sum remains outstanding under this Schedule, the employee ceases to hold his employment under an employing authority without becoming entitled to a benefit under these regulations and is entitled to a return of contributions, and within the said period of twelve months, without having in the meantime become a local Act contributor, he becomes a contributory employee in the employment of any other employing authority, then, subject to the succeeding provisions of this paragraph, the employee may, upon payment to the employing authority or, as the case may be, the employing authorities by whom he is employed, of an amount equal to the sum, if any, returned to him in respect of payments under this Schedule, pay the amount outstanding to the said authority or authorities in the like manner in which it would have been payable if he had not ceased to hold the employment:

Provided that this sub-paragraph shall not apply to an employee if he has not, on ceasing to hold his employment, paid all such instalments as have then accrued due under his agreement with the employing authority.

(2) Where an employee is employed by two or more local authorities he may pay to each such authority which is an employing authority such proportion of the amount outstanding as bears to the whole thereof the same proportion as the annual remuneration of the employment under that authority bears to the aggregate amount of the remuneration of all the employments, and any sum returned to him as aforesaid shall be similarly apportioned.

(3) In any case where an employee to whom sub-paragraph (2) of this paragraph applies—

(*a*) within twelve months after ceasing to hold his former employment, and

(*b*) while retaining the employments he has entered, and

(*c*) without having ceased to hold any other employment as a contributory employee or local Act contributor which he may have held when he ceased to hold his former employment,

enters the employment of another local authority or of two or more other local authorities and becomes such an employee or contributor as aforesaid, the amount outstanding shall be re-apportioned in accordance with the provisions of that sub-paragraph.

(4) Any apportionment or re-apportionment made under this paragraph shall take effect as if the employee had entered all the employments to which the apportionment or re-apportionment relates on the date on which he entered the first of them, and any payments made by an employee under this paragraph before the apportionment or re-apportionment shall be adjusted accordingly.

6. Any sum payable by an employee under this Schedule shall be paid to the employing authority and on receipt by the employing authority shall be paid by them to the appropriate administering authority.

7.—(1) For the purpose of calculating the sum to be paid by an employee under this Schedule the relative table set out at the end of this Schedule shall be used in accordance with the provisions of this paragraph.

(2) References in this paragraph to the age of an employee or the remuneration of an employee are references to his age at the time when the notice under paragraph 2 of this Schedule is given or to the annual remuneration on which he is paying contributions at that time:

Provided that—

(*a*) if for the purposes of this sub-paragraph account is required to be taken of any fees payable to an employee in respect of any service, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that service during the three years immediately preceding the giving of the said notice or, if that service was of shorter duration, such shorter period;

(*b*) references to contributions payable by any person shall include references to contributions which would have been payable by him but for any reduction in or suspension of his remuneration by reason of his absence from duty owing to ill-health or injury.

(3) The sum payable by an employee for each year of non-contributing service which he wishes to have reckoned as contributing service is the sum equal to that percentage of his remuneration which is shown opposite his age in the appropriate column of the said table.

8. In this Schedule any reference to a period of twelve months after a person's ceasing to hold his employment shall, in relation to a person to whom section 6 of the Superannuation (Miscellaneous Provisions) Act, 1948, has become applicable, be construed as a reference to a period of five years from the date of cessation of that person's employment or such longer period as the Secretary of State may in any particular case allow.

TABLE

Age	Percentage of remuneration payable per year of non-contributing service		
	Officers other than those mentioned in col. (3)	Female nurses, female physiotherapists, midwives and health visitors to whom regulation 21 applies, and persons mentioned in regulation 23	Servants other than those mentioned in col. (3)
(1)	(2)	(3)	(4)
Under 26			4·1
26 and under 27 ...			4·15
27 ,, ,, 28 ...			4·2
28 ,, ,, 29 ...		6·5	4·25
29 ,, ,, 30 ...			4·3
30 ,, ,, 31 ...			4·35
31 ,, ,, 32 ...	6·5	6·675	4·45
32 ,, ,, 33 ...		6·85	4·55
33 ,, ,, 34 ...		7·025	4·65
34 ,, ,, 35 ...		7·2	4·75
35 ,, ,, 36 ...		7·375	4·85
36 ,, ,, 37 ...		7·55	4·95
37 ,, ,, 38 ...		7·725	5·05
38 ,, ,, 39 ...	6·55	7·95	5·15
39 ,, ,, 40 ...	6·6	8·175	5·25
40 ,, ,, 41 ...	6·65	8·4	5·35
41 ,, ,, 42 ...	6·7	8·625	5·5
42 ,, ,, 43 ...	6·75	8·85	5·65
43 ,, ,, 44 ...	6·85	9·125	5·8
44 ,, ,, 45 ...	6·95	9·4	5·95
45 ,, ,, 46 ...	7·05	9·675	6·1
46 ,, ,, 47 ...	7·15	9·95	6·3
47 ,, ,, 48 ...	7·25	10·225	6·5
48 ,, ,, 49 ...	7·4	10·55	6·7
49 ,, ,, 50 ...	7·55	10·875	6·9
50 ,, ,, 51 ...	7·7	11·2	7·1
51 ,, ,, 52 ...	7·85	11·525	7·35
52 ,, ,, 53 ...	8·05	11·9	7·6
53 ,, ,, 54 ...	8·25	12·275	7·85
54 ,, ,, 55 ...	8·45	12·65	8·1
55 ,, ,, 56 ...	8·7	12·9	8·4
56 ,, ,, 57 ...	9·0	12·55	8·75
57 ,, ,, 58 ...	9·35	12·2	9·15
58 ,, ,, 59 ...	9·75	11·85	9·65
59 ,, ,, 60 ...	10·25	11·5	10·25
60 and over	10·25, less ·25 for each completed year by which the employee's age exceeds 60.	11·5, less ·35 for each completed year by which the employee's age exceeds 60.	10·25, less ·25 for each completed year by which the employee's age exceeds 60.

THIRD SCHEDULE

MODIFICATION OF RETIREMENT BENEFITS

1.—(1) In this Schedule, unless the context otherwise requires, the expressions which are defined in regulation 24 of these regulations have the same meanings, and—

"established officer or servant" has the meaning assigned to it by the Asylums Officers' Superannuation Act, 1909(a);

"the material date" in relation—

(*a*) to an insured person who was a contributory employee, a local Act contributor or an established officer or servant on the first day of September, 1947, and was then insured under the National Health Insurance Act or under the Act of 1936, means that day;

(*b*) to an insured person who at any time since the said first day of September has been insured under the National Health Insurance Act or the Act of 1936 in the capacity of contributory employee, local Act contributor or established officer or servant or an insured person in one of those capacities, means the date on which he was first, after the date aforesaid, insured thereunder or an insured person;

(*c*) to any other person, means the date on or after the coming into operation of these regulations on which he is first an insured person in the capacity of contributory employee or local Act contributor;

"the National Health Insurance Act" means the National Health Insurance Act, 1936(b);

"pre-existing scheme" means a scheme made in pursuance of subsection (3) of section 28 of the Act of 1936;

"war service" has the same meaning as in the modification regulations.

(2) For the purposes of this Schedule—

(*a*) any reference to a break of more than twelve months shall, in relation to a person to whom section 6 of the Superannuation (Miscellaneous Provisions) Act, 1948, has become applicable, be construed as a reference to a period of five years from the date of cessation of that person's employment or such longer period as the Secretary of State may in any particular case allow;

(*b*) any added years shall be deemed to be contributing service rendered after the appointed day:

Provided that added years reckonable in pursuance of a local Act or a local Act scheme before the appointed day shall be reckoned as service rendered before that date.

2.—(1) Subject to the provisions of this Schedule, as from the date on which a person to whom this Schedule applies becomes entitled to a retirement benefit, or, if on becoming entitled to such a benefit he has not reached pensionable age within the meaning of the Act of 1946, as from the date on which he reaches that age, the retirement benefit shall be reduced in accordance with the provisions of this Schedule.

(2) In the case of a person who was a contributory employee, a local Act contributor or an established officer or servant at some time within twelve months before the material date and, without having had a break of more than twelve months since that time, becomes entitled to a retirement benefit, the retirement benefit shall be reducd—

(*a*) by the sum shown in the relevant column of Table I or II, whichever is applicable, set out at the end of this Schedule in relation to the age

(a) 9 Edw. 7. c. 48. (b) 26 Geo. 5 & 1 Edw. 8. c. 32.

which corresponds with that of the person on the material date for each year reckonable as contributing service in calculating the amount of the benefit, and by one half of the said sum for each year so reckonable as non-contributing service, on and after the material date or the appointed day, whichever is the earlier; and

(*b*) if immediately before, or when he was last a contributory employee before, the material date he was subject to a pre-existing scheme, by the sum shown as aforesaid for each year reckonable as contributing service in calculating the amount of the benefit, and by one half of the said sum for each year so reckonable as non-contributing service in respect of any period before the material date during which he paid reduced contributions in pursuance of that scheme.

(3) In any case to which the last foregoing sub-paragraph does not apply the retirement benefit shall be reduced by the sum of one pound fourteen shillings for each year of such contributing service, and by one half of that sum for each year of such non-contributing service, as is mentioned in that sub-paragraph.

(4) For the purpose of calculating the amount of any reduction under this paragraph—

(*a*) periods of contributing service, or, as the case may be, of non-contributing service shall be aggregated;

(*b*) where a retirement pension is, by virtue of paragraph (3) of regulation 5 of these regulations, at the rate of twenty eightieths of a person's average remuneration, he shall be treated as having twenty years reckonable as contributing service in calculating the amount of the pension.

3. For the purposes of this Schedule—

(*a*) a person engaged in war service within twelve months before the material date shall be deemed to have been a contributory employee, a local Act contributor or an established officer or servant within twelve months before that date if he undertook that service on ceasing to be employed in any of those capacities;

(*b*) a person to whom sub-paragraph (2) of the last foregoing paragraph applies shall not be treated as having had such a break as is mentioned in that sub-paragraph if at any time he ceased to be a contributory employee, a local Act contributor or an established officer or servant in order to undertake war service or immediately after so ceasing became engaged in national service, but re-entered employment in one of those capacities within twelve months of the termination of his war service or within six months of the termination of his national service, as the case may be;

(*c*) if a person, having paid reduced contributions for any period in pursuance of a scheme made under subsection (3) of section 28 of the Act of 1936 or a corresponding provision of any Act repealed by that Act, had in pursuance of that scheme paid a sum representing the difference between those contributions and the sum which he would have contributed if both contributions had not been reduced, his service during that period shall not be treated as service in respect of which reduced contributions were paid;

(*d*) any service in excess of forty years' contributing service or forty years' contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, shall be disregarded.

4. The total amount of the reduction of a retirement benefit in pursuance of this Schedule shall in no case exceed sixty seven pounds and fifteen shillings per annum.

TABLE I

Modification of Benefits of Male Officers and Servants

Age (1)	Annual Sum (2)
	£ s. d.
Under 20	1 14 0
20 and under 21	1 14 0
21 ,, ,, 22	1 13 0
22 ,, ,, 23	1 12 6
23 ,, ,, 24	1 12 0
24 ,, ,, 25	1 11 0
25 ,, ,, 26	1 10 6
26 ,, ,, 27	1 10 0
27 ,, ,, 28	1 9 6
28 ,, ,, 29	1 9 0
29 ,, ,, 30	1 8 6
30 ,, ,, 31	1 8 0
31 ,, ,, 32	1 7 6
32 ,, ,, 33	1 7 0
33 ,, ,, 34	1 6 0
34 ,, ,, 35	1 5 6
35 ,, ,, 36	1 5 0
36 ,, ,, 37	1 4 6
37 ,, ,, 38	1 4 0
38 ,, ,, 39	1 3 6
39 ,, ,, 40	1 3 0
40 ,, ,, 41	1 2 6
41 ,, ,, 42	1 2 0
42 ,, ,, 43	1 1 6
43 ,, ,, 44	1 1 0
44 ,, ,, 45	1 0 6
45 ,, ,, 46	1 0 0
46 ,, ,, 47	19 6
47 ,, ,, 48	19 0
48 ,, ,, 49	18 6
49 ,, ,, 50	18 0
50 ,, ,, 51	17 6
51 ,, ,, 52	17 0
52 ,, ,, 53	17 0
53 ,, ,, 54	16 6
54 ,, ,, 55	16 0
55 and over	15 6

TABLE II

Modification of Benefits of Female Officers and Servants

Age (1)	Annual Sum: Female nurses, female physiotherapists, midwives and health visitors to whom regulation 21 applies, and persons mentioned in regulation 23 (2)	Annual Sum: Other Officers and Servants (3)
	£ s. d.	£ s. d.
Under 20	1 14 0	1 14 0
20 and under 21 ...	1 14 0	1 14 0
21 ,, ,, 22 ...	1 11 0	1 11 6
22 ,, ,, 23 ...	1 8 0	1 9 6
23 ,, ,, 24 ...	1 5 6	1 7 6
24 ,, ,, 25 ...	1 3 0	1 5 6
25 ,, ,, 26 ...	1 1 0	1 4 0
26 ,, ,, 27 ...	19 6	1 2 6
27 ,, ,, 28 ...	18 0	1 1 0
28 ,, ,, 29 ...	17 0	1 0 0
29 ,, ,, 30 ...	16 0	19 0
30 ,, ,, 31 ...	15 6	18 0
31 ,, ,, 32 ...	15 0	17 6
32 ,, ,, 33 ...	14 6	17 0
33 ,, ,, 34 ...	14 0	16 6
34 ,, ,, 35 ...	13 6	16 0
35 ,, ,, 36 ...	13 0	15 6
36 ,, ,, 37 ...	13 0	15 0
37 ,, ,, 38 ...	12 6	14 6
38 ,, ,, 39 ...	12 6	14 0
39 ,, ,, 40 ...	12 6	13 6
40 ,, ,, 41 ...	12 0	13 6
41 ,, ,, 42 ...	12 0	13 0
42 ,, ,, 43 ...	12 0	13 0
43 ,, ,, 44 ...	11 6	12 6
44 ,, ,, 45 ...	11 6	12 6
45 ,, ,, 46 ...	11 0	12 0
46 ,, ,, 47 ...	11 0	12 0
47 ,, ,, 48 ...	11 0	12 0
48 ,, ,, 49 ...	11 0	11 6
49 ,, ,, 50 ...	11 0	11 6
50 and over ...	11 0	11 0

TABLE III

Modification of Additional Contributions under Regulation 12

Age at date of giving of consent	Men	Women
1.	2.	3.
	s. d.	s. d.
27 and under 28 ...	1 4	2 1
28 „ „ 29 ...	1 5	2 3
29 „ „ 30 ...	1 6	2 6
30 „ „ 31 ...	1 7	2 8
31 „ „ 32 ...	1 8	2 11
32 „ „ 33 ...	1 9	3 1
33 „ „ 34 ...	1 10	3 4
34 „ „ 35 ...	1 11	3 7
35 „ „ 36 ...	2 1	3 10
36 „ „ 37 ...	2 2	4 1
37 „ „ 38 ...	2 4	4 5
38 „ „ 39 ...	2 6	4 9
39 „ „ 40 ...	2 8	5 1
40 „ „ 41 ...	2 10	5 6
41 „ „ 42 ...	3 0	5 11
42 „ „ 43 ...	3 3	6 5
43 „ „ 44 ...	3 6	6 11
44 „ „ 45 ...	3 10	7 6
45 „ „ 46 ...	4 3	8 2
46 „ „ 47 ...	4 8	9 0
47 „ „ 48 ...	5 1	9 11
48 „ „ 49 ...	5 8	10 11
49 „ „ 50 ...	6 4	12 2
50 „ „ 51 ...	7 1	13 8
51 „ „ 52 ...	8 1	15 7
52 „ „ 53 ...	9 4	17 11
53 „ „ 54 ...	11 0	21 0
54 „ „ 55 ...	13 3	25 2

TABLE IV

Modification of Additional Contributory Payments

Age at date of giving of notice	Male officers and servants	Female officers and servants, other than those to whom col. 4 applies	Female nurses, female physiotherapists, midwives and health visitors to whom regulation 21 applies, and persons mentioned in regulation 23
1.	2.	3.	4.
	£ s. d.	£ s. d.	£ s. d.
Under 20	2 0 0	1 0 0	15 0
20 and under 21 ...	2 1 0	1 2 0	17 0
21 „ „ 22 ...	2 3 0	1 4 0	19 0
22 „ „ 23 ...	2 5 0	1 7 0	1 2 0
23 „ „ 24 ...	2 6 0	1 10 0	1 5 0
24 „ „ 25 ...	2 8 0	1 13 0	1 9 0
25 „ „ 26 ...	2 10 0	1 17 0	1 14 0
26 „ „ 27 ...	2 12 0	2 2 0	2 1 0
27 „ „ 28 ...	2 14 0	2 8 0	2 9 0
28 „ „ 29 ...	2 16 0	2 15 0	2 17 0
29 „ „ 30 ...	2 18 0	3 2 0	3 6 0
30 „ „ 31 ...	3 0 0	3 9 0	3 17 0
31 „ „ 32 ...	3 2 0	3 17 0	4 8 0
32 „ „ 33 ...	3 4 0	4 5 0	4 19 0
33 „ „ 34 ...	3 6 0	4 12 0	5 9 0
34 „ „ 35 ...	3 9 0	5 0 0	5 19 0
35 „ „ 36 ...	3 11 0	5 8 0	6 8 0
36 „ „ 37 ...	3 13 0	5 15 0	6 15 0
37 „ „ 38 ...	3 15 0	6 3 0	7 1 0
38 „ „ 39 ...	3 17 0	6 11 0	7 7 0
39 „ „ 40 ...	4 0 0	6 18 0	7 12 0
40 „ „ 41 ...	4 2 0	7 5 0	7 17 0
41 „ „ 42 ...	4 4 0	7 13 0	8 2 0
42 „ „ 43 ...	4 7 0	8 0 0	8 6 0
43 „ „ 44 ...	4 10 0	8 7 0	8 11 0
44 „ „ 45 ...	4 13 0	8 13 0	8 16 0
45 „ „ 46 ...	4 16 0	8 19 0	9 1 0
46 „ „ 47 ...	4 19 0	9 5 0	9 6 0
47 „ „ 48 ...	5 2 0	9 11 0	9 12 0
48 „ „ 49 ...	5 5 0	9 17 0	9 18 0
49 „ „ 50 ...	5 9 0	10 4 0	10 4 0
50 „ „ 51 ...	5 13 0	10 11 0	10 10 0
51 „ „ 52 ...	5 17 0	10 18 0	10 16 0
52 „ „ 53 ...	6 1 0	11 5 0	11 2 0
53 „ „ 54 ...	6 5 0	11 12 0	11 9 0
54 „ „ 55 ...	6 10 0	12 0 0	11 16 0
55 „ „ 56 ...	6 15 0	12 8 0	12 4 0
56 „ „ 57 ...	7 0 0	12 16 0	12 13 0
57 „ „ 58 ...	7 6 0	13 5 0	13 2 0
58 „ „ 59 ...	7 12 0	13 14 0	13 12 0
59 „ „ 60 ...	7 18 0	14 3 0	14 2 0
60 „ „ 61 ...	8 4 0		
61 „ „ 62 ...	8 11 0		
62 „ „ 63 ...	8 19 0		
63 „ „ 64 ...	9 8 0		
64 „ „ 65 ...	9 17 0		

TABLE OF ENACTMENTS REFERRED TO IN THESE REGULATIONS

Short title	Session and chapter, etc.
The Interpretation Act, 1889	52 & 53 Vict. c. 63.
The Asylums Officers' Superannuation Act, 1909 ...	9 Edw. 7. c. 48.
The National Health Insurance Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 32.
The Widows', Orphans' and Old Age Contributory Pensions Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 33.
The Local Government Superannuation Act, 1937 ...	1 Edw. 8 & 1 Geo. 6. c. 68.
The Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 69.
The Local Government Staffs (War Service) Act, 1939	2 & 3 Geo. 6. c. 94.
The Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
The National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
The National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
The National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
The National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
The Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
The Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
The Fire Services Act, 1951	14 & 15 Geo. 6. c. 27.
The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.
The Local Government Superannuation Act, 1953 ...	1 & 2 Eliz. 2. c. 25.
The National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations, 1947	S.R. & O. 1947/1697 (Rev. XVI, p. 286: 1947 I,' p. 1509).
The National Health Service (Scotland) (Superannuation) Regulations, 1950	S.I. 1950/498 (1950 I, p. 1458).
The Local Government Superannuation (Surrender of Superannuation Allowance) (Scotland) Rules, 1954	S.I. 1954/888.

EXPLANATORY NOTE

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

These regulations prescribe the conditions for entitlement to, and the rates of, the benefits mentioned in section 1 (3) of the Local Government Superannuation Act, 1953, (regulations 5 to 11, 13, 14 and 16).

Regulation 12 (the authority for which is in section 2 (1) of that Act) lays down the terms under which added years of service can be granted to certain persons with special professional or other qualifications, who normally enter service at a later age than other employees.

Regulation 15 and the Second Schedule (made under section 2 (3) of that Act) set out the terms on which a contributory employee may, upon payment, have non-contributing service reckoned as contributing service.

Regulation 17 (made under section 1 (4) (*a*) of that Act) confers on existing employees the option to enjoy rights corresponding to those which they enjoyed immediately before the coming into operation of the regulations. In addition to those rights they will have the rights conferred by regulations 7 (injury allowance), 10 (death grant), 12 (added years) and 13 (additional compensatory benefit for certain women employees).

Regulation 18 applies the regulations to persons who retired or died between the thirtieth day of September, 1950, and their coming into operation. Express power for this retrospective operation is contained in section 1 (4) (*b*) of the Act of 1953. Regulation 19 contains the necessary machinery for the provisions of regulation 18.

Regulation 21 makes special modifications in the regulations in their application to contributory employees on the medical and nursing staff of a local authority. The chief modification is that of pensionable age (paragraph (2)), but the regulation contains a number of other provisions consequential on the transfer of such employees from parts III and IV of the National Health Service (Scotland) (Superannuation) Regulations, 1950, to the Local Government Superannuation Acts scheme. Regulation 22 makes corresponding provision (under section 3 (1) of the Act of 1953) for local Act contributors similarly employed. Regulation 23 modifies the pensionable age in the case of certain female employees.

Part III of the regulations and the Third Schedule provide for the modification of certain benefits having regard to benefits under the National Insurance Act, 1946. These provisions take the place of certain provisions of the modification regulations made under section 69 (4) of the Act of 1946, upon which they are based; the provisions thus superseded will be revoked by regulations under that subsection with effect from the date on which, in any individual case, part III of these regulations or any corresponding provisions of a local Act scheme apply.

1954 No. 1226

The Local Government Superannuation (Clerks of the Peace and County Council) Regulations, 1954

Made - - - -	*17th September,* 1954
Laid before Parliament	*22nd September,* 1954
Coming into Operation	*1st October,* 1954

The Minister of Housing and Local Government, in exercise of the powers conferred on him by subsection (3) of section 24 of the Local Government Superannuation Act, 1953(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Local Government Superannuation (Clerks of the Peace and County Council) Regulations, 1954, and shall come into operation on the first day of October, 1954.

Interpretation

2.—(1) In these regulations "the Act of 1931" means the Local Government (Clerks) Act, 1931(**b**).

(2) The Interpretation Act, 1889(**c**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Option in respect of alternative benefits

3. Subject as hereinafter provided a person who holds, or has since the thirtieth day of September, nineteen hundred and fifty, held, the office of clerk of the peace and county council and who was appointed to that office

(**a**) 1 & 2 Eliz. 2. c. 25. (**b**) 21 & 22 Geo. 5. c. 45. (**c**) 52 & 53 Vict. c. 63.