EXPLANATORY NOTE

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

This order enables dentures to be provided at and by a hospital, free of cost to patients, to the extent necessary to provide satisfactory clinical dental teaching for students at the University with which the hospital is associated.

1952 No. 1260 (S. 61)

The National Health Service (Scotland) (Superannuation) Amendment Regulations, 1952

Made - - - -	*27th June*, 1952
Coming into Operation	*4th July*, 1952

In exercise of the powers conferred on me by subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947(**a**), as amended by the Schedule to the National Health Service (Amendment) Act, 1949(**b**), I hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (Scotland) (Superannuation) Amendment Regulations, 1952, and shall come into operation on the seventh day after the day on which they are made.

(2) These regulations, the National Health Service (Scotland) (Superannuation) Regulations, 1950(**c**), and the National Health Service (Scotland) (Superannuation) Amendment Regulations, 1951(**d**), shall be construed as one and may be cited together as the National Health Service (Scotland) (Superannuation) Regulations, 1950 to 1952.

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

(4) In these regulations, the expression "regulation" means regulation contained in the National Health Service (Scotland) (Superannuation) Regulations, 1950.

2.—(1) In regulation 1—

(*a*) after the definition of "appointed day" there shall be inserted the following definition:—

> "'approved course of study or training' in relation to any person means a course of study or training approved for the purposes of these regulations by the Secretary of State on the written application of that person made before or within three months after the commencement of the course;"

(*b*) in the definition of "national service" there shall be inserted after the words "the Superannuation (Miscellaneous Provisions) Act, 1948" the words "as amended by section 41 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**f**), or service of a description specified in the First Schedule to the last mentioned Act other than compulsory national service as therein defined"; and the word "compulsory" where it last occurs shall be omitted; and

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(**a**) 10 & 11 Geo. 6. c. 27.
(**b**) 12, 13 & 14 Geo. 6. c. 93.
(**c**) S.I. 1950/498; 1950 I, p. 1458.
(**d**) S.I. 1951/1147; 1951 I, p. 1431.
(**e**) 52 & 53 Vict. c. 63.
(**f**) 14 & 15 Geo. 6. c. 65.

(*c*) in the definition of "pensionable age" there shall be inserted after the words "Executive Council" the words "or an assistant practitioner".

(2) In regulation 5, in sub-paragraph (*b*) of paragraph (1) and sub-paragraph (*b*) of paragraph (2) there shall be inserted in each case after the words "for the purposes of" the words "regulations 6 (1) (*b*) and 15 (1) (*b*) and".

(3) In regulation 6, in paragraph (7) the word "immediately" shall be omitted.

(4) In regulation 15—

(*a*) in paragraph (2) the word "and" at the end of proviso (*e*) shall be omitted and after proviso (*f*) there shall be inserted the following provisos:—

"(*g*) where a person ceased to hold employment as an officer of an employing authority and immediately thereafter entered an approved course of study or training he shall be deemed for the purpose only of this paragraph to have left that employment at the time when he completed that course of study or training; and

(*h*) where a person ceased to hold employment as an officer of an employing authority and immediately thereafter became engaged in national service then if on the termination of that service he entered an approved course of study or training he shall be deemed for the purpose only of this paragraph to have ended his period of national service at the time when he completed that course of study or training."

(*b*) for paragraph (5) there shall be substituted the following paragraph:—

"(5) Where immediately after ceasing to be an officer of an employing authority a person—

(*a*) became engaged in national service, or

(*b*) entered an approved course of study or training and immediately after completing that course became engaged in national service,

then if, on the termination of that service or within six months thereafter or, if that service was followed by an approved course of study or training, on the termination of that course or within six months thereafter, the person became an officer of an employing authority, the period of that service shall be reckonable as a period of service under these regulations:

Provided that if on or after so ceasing to be an officer as aforesaid he received a return of contributions—

(*a*) no part of such period after the date of the return shall be reckonable as service; and

(*b*) the part of such period before the date of the return shall only be reckonable if he has paid or repaid to the employing authority in whose employment he is an officer, within three months after becoming an officer, an amount equal to the sum returned to him, together with an amount equal to any income tax which was deducted from his contributions in respect of such return."

(*c*) for paragraph (11) there shall be substituted the following paragraph:—

"(11) If a person, immediately after ceasing to be an officer of an employing authority—

(*a*) became engaged in national service, or

(*b*) entered an approved course of study or training and immediately after completing that course became engaged in national service,

and has become an officer to whom the last preceding paragraph applies, that paragraph shall also apply in respect of the period of that service other than any part thereof after the date on which contributions may have been returned to him."

(5) In regulation 19, in paragraph (1) there shall be substituted for proviso (*e*) the following proviso:—

"(*e*) the remuneration of an officer in respect of any period of war service or national service which is reckonable as service under regulation 15 shall be deemed to have been the remuneration of the last employment in which he was engaged before undertaking that service; ".

(6) In regulation 28, in paragraph (1) for proviso (*a*) there shall be substituted the following proviso:—

"(*a*) where immediately after ceasing to be an officer of an employing authority a person to whom this paragraph applies—

(i) entered an approved course of study or training not followed by a period of national service;

(ii) became engaged in national service; or

(iii) entered an approved course of study or training and immediately after completing that course became engaged in national service;

then if on completion of that course or within twelve months thereafter, or on the termination of that service or within six months thereafter, or, if that service was followed by an approved course of study or training, on completion of that course or within six months thereafter, the person again becomes an officer of an employing authority he shall not be treated as having had such a break in employment as aforesaid; ".

(7) In regulation 31, for paragraph (4) there shall be substituted the following paragraph:—

"(4) For the purposes of the last two preceding paragraphs, a person shall not be treated as having had a break in employment if—

(*a*) he left such employment as an officer as is therein mentioned in order to undertake war service or if immediately after leaving the said employment he became engaged in national service and returned to any such employment as aforesaid within six months after the termination of that service; or

(*b*) immediately after leaving employment as an officer of an employing authority—

(i) he entered an approved course of study or training and returned to employment as an officer of an employing authority within twelve months after completing that course, or if on completing that course he became engaged in national service, within six months after the termination of that service; or

(ii) he became engaged in national service and on the termination of that service entered an approved course of study or training and returned to employment as an officer of an employing authority within six months after completing that course."

(8) In regulation 34—

(*a*) in paragraph (3) at the end of proviso (ii) after the words "of that service;" there shall be inserted the following words:—

"(v) or, if immediately after ceasing to be an officer of an employing authority he entered an approved course of study or training and re-entered employment as an officer of an employing authority

within twelve months after completing that course or within six months after the termination of national service in which he became engaged on completion of that course; or, if immediately after ceasing to be an officer of an employing authority he became engaged in national service, and on the termination of that service entered an approved course of study or training and re-entered employment as an officer of an employing authority, within six months after completing that course";

(*b*) for the proviso to paragraph (8) and for the proviso to paragraph (9) there shall in each case be substituted the following proviso:—

"Provided that a person to whom this paragraph applies shall not be treated as having had such a break as aforesaid—

(*a*) if at any time he ceased to be an officer of an employing authority, an established civil servant, a person in recordable service under the Scottish Teachers Superannuation Scheme as aforesaid, a contributory employee or local Act contributor, in order to undertake war service or if immediately after ceasing to be employed in any of those capacities he became engaged in national service but re-entered employment in one of those capacities within six months after the termination of that service; or

(*b*) if immediately after ceasing to be an officer of an employing authority he—

(i) entered an approved course of study or training and re-entered employment as an officer of an employing authority within twelve months after completing that course or, if on completing that course he became engaged in national service, within six months after the termination of that service; or

(ii) became engaged in national service and on the termination of that service entered an approved course of study or training and re-entered employment as an officer of an employing authority within six months after completing that course."

(*c*) in sub-paragraph (*a*) of paragraph (11) there shall be inserted at the end of the sub-paragraph after the words "break of more than twelve months at any one time" the words "reckoned from the time when he left the employment of an employing authority, or, if immediately after leaving that employment he entered an approved course of study or training, from the time when he completed that course";

(9) In regulation 42—

(*a*) in sub-paragraph (*b*) of paragraph (2) as amended there shall be added after the words "National Health Service Act, 1951" the words "or section 2 of the National Health Service Act, 1952"(a);

(*b*) in proviso (ii) to paragraph (2) there shall be inserted after the words "local authority" where they first occur, the words "or a University or as an established civil servant", for the words "his employment as such officer" there shall be substituted the words "that employment", and for the words "the employing authority or local authority" there shall be substituted the words "his employer";

(*c*) sub-paragraph (*d*) of paragraph (3) shall be omitted and the following sub-paragraphs shall be inserted:—

"(*d*) where a practitioner has become engaged in national service without having ceased to be a practitioner within the meaning of

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.

these regulations and his average rate of remuneration as a practitioner during the period of his national service is less than his average rate of remuneration during the twelve months prior to his having become engaged in national service, he shall be treated for the purposes of these regulations as if during the period of his national service he was receiving such higher average rate of remuneration as aforesaid;

(*da*) where a person became engaged in national service after ceasing to be a practitioner within the meaning of these regulations and the period of his national service falls to be treated as service as a practitioner under these regulations subject to his compliance with the provisions of paragraph (7) of regulation 6, he shall be deemed to have continued to receive during that period the same average rate of remuneration as he received during the twelve months prior to his ceasing to be a practitioner as aforesaid;"

(*d*) for paragraph (4) there shall be substituted the following paragraph:—

"(4) These regulations, as so applied, shall have effect in relation to any assistant practitioner subject to the following further modifications:—

(*a*) in the definition of remuneration in paragraph (3) of regulation 1, after the word "means" there shall be inserted the words, "the whole or such part as the Secretary of State may approve of"; for the words "and includes" there shall be substituted the word "including", and for the words "but does not include" there shall be substituted the words "but not including"; and

(*b*) the practitioner by whom he is employed shall be deemed to be the employing authority for the purposes of paragraph (5) of regulation 6, but for no other purpose, and shall remit the assistant practitioner's contributions to the Executive Council after they have been obtained from him."

(10) In the Third Schedule to the National Health Service (Scotland) (Superannuation) Regulations, 1950, in sub-paragraph (*d*) of paragraph 3 there shall be inserted at the end of the sub-paragraph, after the words "the Act of 1937", the following proviso:—

"Provided that where immediately after ceasing to hold his employment an officer—

(*a*) entered an approved course of study or training and within twelve months after completing that course or, if on completing that course he became engaged in national service within six months after the termination of that service, enters employment in which he is an officer of an employing authority; or

(*b*) became engaged in national service and on the termination of that service entered an approved course of study or training and within six months after completing that course enters employment in which he is an officer of an employing authority;

he shall not be treated as having ceased to be entitled to any rights in respect of payments made by him on account of the debt and, subject as hereinafter provided his liability in respect of the balance of the debt shall continue and he shall pay or repay an amount equal to any sum which may have been returned to him in respect of payments made by

him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return ".

Dated this 27th day of June, 1952.

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

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These Regulations amend the National Health Service (Scotland) (Superannuation) Regulations at present in force under section 66 (1) of the National Health Service (Scotland) Act, 1947. The amendments extend, in consequence of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, the definition of " national service ", amend the definition of " remuneration " in relation to dentists so as to include sums payable by patients under section 2 of the National Health Service Act, 1952, provide safeguards for the superannuation interests of practitioners during national service, and extend, in the case of officers who after an approved course of study or training re-enter employment of an " employing authority ", the period which counts as disqualifying break of service. (" Employing authority " means a Regional Hospital Board, an Executive Council and certain other bodies constituted under the National Health Service (Scotland) Act, 1947.) There are other minor or drafting amendments.

Regulation 2 (1) (*b*) extends the existing definition of " national service " to include service of a description specified in paragraphs 1, 2, 3, 4 or 7 of the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and thus makes that service pensionable (provided contributions are paid) under the National Health Service (Scotland) (Superannuation) Regulations, 1950. The amended definition also embraces certain classes of conscientious objectors not technically covered by the existing definition.

Regulations 2 (1) (*a*), 2 (3), 2 (4), 2 (5), 2 (6), 2 (7), 2 (8) and 2 (10) preserve the superannuation rights of officers who within a limited period after an approved course of study or training re-enter employment of an employing authority. The period allowed is twelve months after the end of the course or, if the course is followed by national service, six months from the end of the national service, or, if the course is preceded by a period of national service six months from the end of the course.

Regulation 2 (1) (*c*) amends the definition of " pensionable age " thereby enabling the Secretary of State to extend the pensionable age of assistant practitioners.

Regulation 2 (9) (*a*) by amending the definition of " remuneration " makes sums payable by patients under section 2 of the National Health Service Act, 1952, reckonable as part of dentists' remuneration for superannuation purposes.

Regulation 2 (9) (*b*) excepts from the " remuneration " of a practitioner who is also employed as an established civil servant, or by a University, any moneys for which he must account to his employer in that employment.

Regulation 2 (9) (*c*) makes provision for safeguarding practitioners whose practices are carried on during their absence on national service but who receive from them less than they were receiving before they entered national service, and also for safeguarding those practitioners whose names are not on an Executive Council's list during their absence on national service.

Regulation 2 (9) (*d*) removes a defect in the existing regulations by providing that in relation to an assistant practitioner the practitioner employing him shall be treated as the employing authority for the purpose of collecting superannuation contributions but for no other purpose.

1952 No. 1297 (S. 62)

The National Health Service (Travelling Allowances, etc.) (Scotland) Regulations, 1952

Made - - - -	*4th July*, 1952
Laid before Parliament	*8th July*, 1952
Coming into Operation	*14th July*, 1952

In exercise of the powers conferred on me by the following provisions of the National Health Service (Scotland) Act, 1947(**a**), as amended by Part II of the Schedule to the National Health Service (Amendment) Act, 1949(**b**), namely—

(*a*) subsection (2) of section 39,

(*b*) paragraph 2 of the First Schedule,

(*c*) paragraph 3 of the Second Schedule,

(*d*) paragraph 2 of Part IV of the Fourth Schedule,

(*e*) paragraph 4 of the Sixth Schedule,

(*f*) paragraph 3 of the Seventh Schedule, and

(*g*) paragraph 6 of the Eighth Schedule,

and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Travelling Allowances, etc.) (Scotland) Regulations, 1952, and shall come into operation on the 14th day of July, 1952.

2.—(1) In these regulations, unless the context otherwise requires:—

"approved duty" in relation to a member of a body, of a Medical Education Committee or of an Ophthalmic Services Committee means any of the following duties, that is to say —

(*a*) attendance at a meeting of the body or committee as the case may be or of any committee or sub-committee thereof;

(*b*) the doing of any other thing approved by the body or committee as the case may be for the purpose of or in connection with the discharge of the functions of the body or committee or of any committee or sub-committee thereof;

(**a**) 10 & 11 Geo. 6. c. 27. (**b**) 12, 13 & 14 Geo. 6. c. 93.