Given under the Official Seal of the Minister of Health this twenty-fifth day of April, nineteen hundred and fifty-seven.

(L.S.) *Dennis Vosper,*
Minister of Health.

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 (Remuneration and Conditions of Service) Regulations, 1951, by prescribing the rates of remuneration of certain classes of hospital officers.

1957 No. 788

The National Health Service (Superannuation) (England and Scotland) (Amendment) Regulations, 1957

Made - - - -	*6th May*, 1957
Coming into Operation	13*th May*, 1957

The Minister of Health and the Secretary of State, in exercise of the powers conferred on them by subsection (2) of section 67 of the National Health Service Act, 1946(a) and subsection (2) of section 66 of the National Health Service (Scotland) Act, 1947(b), hereby make the following regulations in the terms of a draft approved by resolution of each House of Parliament:—

1. These regulations may be cited as the National Health Service (Superannuation) (England and Scotland) (Amendment) Regulations, 1957, and shall come into operation on the seventh day after the day on which they are made.

2.—(1) These regulations and the National Health Service (Superannuation) (England and Scotland) Regulations, 1948(c), shall be construed as one and may be cited together as the National Health Service (Superannuation) (England and Scotland) Regulations, 1948 and 1957.

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

"the principal regulations" means the National Health Service (Superannuation) (England and Scotland) Regulations, 1948;

"regulation" means regulation contained in the principal regulations.

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

(a) 9 & 10 Geo. 6. c. 81. (b) 10 & 11 Geo. 6. c. 27.
(c) S.I. 1948/1483 (Rev. XV, p. 803: 1948 I, p. 2243).
(d) 52 & 53 Vict. c. 63.

3. In regulation 1, in paragraph (3) thereof (which contains definitions of expressions used in the principal regulations)—

(*a*) after the definition of "the Scottish regulations" there shall be inserted the following definitions:—

'"the English rules" means the Superannuation (Local Government and National Health Service) Interchange Rules, 1955(**a**);

"the Scottish rules" means the Superannuation (Local Government and National Health Service) Interchange (Scotland) Rules, 1955(**b**);';

(*b*) after the words "the Local Government Superannuation Act, 1937" and after the words "the Local Government Superannuation (Scotland) Act, 1937" there shall be inserted the words "as amended by the Local Government Superannuation Act, 1953(**c**)";

(*c*) in the definition of "English teacher" for the words "the Teachers (Superannuation) Acts, 1918 to 1946" there shall be substituted the words "the Teachers (Superannuation) Acts 1918 to 1956";

(*d*) for the definition of "Scottish teacher" there shall be substituted the following definition:—

'"Scottish teacher" means a person in first class service under the Superannuation Scheme framed and approved under Part IV of the Education (Scotland) Act, 1946(**d**) and any amendment thereof.'.

4. In regulation 2 (which relates to the rights of a person who becomes an employee of a Scottish employing authority after ceasing to be an employee of an English employing authority, an English contributory employee or local Act contributor, or an English teacher) after the words "the Scottish regulations" and after the words "the English Regulations" there shall be inserted the words "and, if he was an English contributory employee or local Act contributor, the English rules".

5. In regulation 3 (which relates to the rights of a person who becomes an employee of an English employing authority after ceasing to be an employee of a Scottish employing authority, a Scottish contributory employee or local Act contributor, or a Scottish teacher) after the words "the English regulations" and after the words "the Scottish regulations" there shall be inserted the words "and, if he was a Scottish contributory employee or local Act contributor, the Scottish rules".

6. In regulation 4 (which relates to the rights of a person who becomes an English contributory employee or local Act contributor, or an English teacher after having ceased to be an employee of a Scottish employing authority) for the words from "the Scottish regulations" to the end of the regulation there shall be substituted the words "he shall enjoy rights substantially similar to those which he would have enjoyed by virtue of the English rules or, as the case may be, the English regulations, if he had ceased to be an employee of an English employing authority.".

7. In regulation 5 (which relates to the rights of a person who becomes a Scottish contributory employee or local Act contributor, or a Scottish teacher after having ceased to be an employee of an English employing authority) for the words from "the English regulations" to the end of the regulation there shall be substituted the words "he shall enjoy rights substantially similar to those which he would have enjoyed by virtue of the Scottish

(**a**) S.I. 1955/1494 (1955 II, p. 1758).
(**b**) S.I. 1955/1479 (1955 II, p. 1770).
(**c**) 1 & 2 Eliz. 2. c. 25.
(**d**) 9 & 10 Geo. 6. c. 72.

rules or, as the case may be, the Scottish regulations, if he had ceased to be an employee of a Scottish employing authority.".

8. In regulation 6 (which relates to the payment of transfer values to and by the Secretary of State)—

(*a*) in paragraph (1) for the words "by virtue of the English regulations" there shall be substituted the words "under the English rules";

(*b*) in paragraph (2) for the words "by virtue of the English regulations" there shall be substituted the words "under the English rules".

9. In regulation 7 (which relates to the payment of transfer values to and by the Minister of Health)—

(*a*) in paragraph (1) for the words "by virtue of the Scottish regulations" there shall be substituted the words "under the Scottish rules";

(*b*) in paragraph (2) for the words "by virtue of the Scottish regulations" there shall be substituted the words "under the Scottish rules".

10. In regulation 8 (which relates to accounts and actuarial valuations)—

(*a*) in paragraph (1) for the words "paragraph (1) of regulation 37 of the English regulations or the Scottish regulations" there shall be substituted the words "paragraph (1) of regulation 62 of the English regulations or paragraph (1) of regulation 58 of the Scottish regulations";

(*b*) in paragraph (2) for the words "Paragraph (2) of regulation 37 of the English regulations" there shall be substituted the words "Paragraph (2) of regulation 62 of the English regulations";

(*c*) in paragraph (3) for the words "Paragraph (2) of regulation 37 of the Scottish regulations" there shall be substituted the words "Paragraph (2) of regulation 58 of the Scottish regulations";

(*d*) after paragraph (3) there shall be added the following paragraph:—

"(4) References in this regulation to the English regulations are references to the National Health Service (Superannuation) Regulations, 1955(a) and references to the Scottish regulations are references to the National Health Service (Superannuation) (Scotland) Regulations, 1955(b)".

Given under the official seal of the Minister of Health this sixth day of May, nineteen hundred and fifty-seven.

(L.S.)

Dennis Vosper,
Minister of Health.

Given under the seal of the Secretary of State for Scotland this sixth day of May, nineteen hundred and fifty-seven.

(L.S.)

John S. Maclay,
Secretary of State.

(a) S.I. 1955/1084 (1955 I, p. 1270). (b) S.I. 1955/1143 (1955 I, p. 1470).

EXPLANATORY NOTE

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

These regulations bring up to date the National Health Service (Superannuation) (England and Scotland) Regulations, 1948, which provide for interchangeability of service with preservation of superannuation rights between the English and Scottish Health Services, and between either of those Services and the Local Government Service and the Teaching Service in Great Britain. In substance the provisions for interchange remain the same: the amendments made by these amending regulations are purely consequential on changes in local government superannuation law and on changes in the regulations (now consolidated in the National Health Service (Superannuation) Regulations, 1955 and the National Health Service (Superannuation) (Scotland) Regulations, 1955) made under section 67 of the National Health Service Act, 1946, and section 66 of the National Health Service (Scotland) Act, 1947.

Regulations 1, 2 and 3 provide for the title, date of coming into operation and definition of terms used in the regulations.

Regulations 4 and 5 insert in regulations 2 and 3 of the principal regulations (which provide for the superannuation rights of persons entering the Scottish Health Service after leaving employment in the English Health Service, English Local Government Service or English Teaching Service and for the superannuation rights of persons entering the English Health Service after leaving employment in the Scottish Health Service, Scottish Local Government Service or Scottish Teaching Service) a reference to "the English rules" (i.e. the Superannuation (Local Government and National Health Service) Interchange Rules, 1955) and "the Scottish rules" (i.e. the Superannuation (Local Government and National Health Service) Interchange (Scotland) Rules, 1955) which provide for the payment of transfer values in respect of persons leaving local government employment and entering National Health Service employment and for the reckoning in relation to local government employment of previous service in the National Health Service in respect of persons who enter local government employment after leaving National Health Service employment.

Similarly, regulations 6 and 7 amend regulations 4 and 5 of the principal regulations by including in the case of a person transferring from Scottish Health Service employment to English local government employment a reference to the English rules, or in the case of a person transferring from English Health Service employment to Scottish local government employment a reference to the Scottish rules; and regulations 8 and 9 amend regulations 6 and 7 of the principal regulations by substituting a reference to the English rules dealing with transfer values for the reference to the English regulations and a reference to the Scottish rules dealing with transfer values for the reference to the Scottish regulations.

Regulation 10 substitutes references to the provisions of the National Health Service (Superannuation) Regulations, 1955, and the National Health Service (Superannuation) (Scotland) Regulations, 1955, for references to the corresponding provisions of the regulations in force when the principal regulations were made.