(3) MODIFICATION OF LOCAL GOVERNMENT SUPERANNUATION SCHEMES

(i) *England.* | (ii) *Scotland*, p. 2754.

(i) ENGLAND

The National Insurance (Modification of Local Government Superannuation Schemes) (Amendment) Regulations, 1949

1949 No. 632

Made - - - -	30*th March*, 1949
Laid before Parliament	31*st March*, 1949
Coming into Operation	1*st April*, 1949

M.H. 109050

The Minister of Health, in exercise of the powers conferred on him by subsection (4) of section 69 of the National Insurance Act, 1946(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Modification of Local Government Superannuation Schemes) (Amendment) Regulations, 1949, and shall come into operation on the first day of April, 1949.

(2) These regulations shall be read as one with the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947(**b**) (hereinafter called "the principal regulations"), as amended, and may be cited together with the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947 and 1948(**c**), as the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947 to 1949.

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

2. Any reference (however expressed) in the principal regulations, as amended, to a period of twelve months from the date on which a person ceases to be employed by a local authority shall be construed in relation to a person to whom section 6 of the Superannuation (Miscellaneous Provisions) Act, 1948(**e**) (hereinafter called "the Act of 1948"), has become applicable as a reference to a period of five years from the date of cessation of employment, or such longer period as the Minister of Health may, in any particular case, allow.

3. In regulation 1 of the principal regulations, as amended, there shall be substituted for the definition of national service the following definition—

"'national service,' in relation to any person, means compulsory national service within the meaning of the Act of 1948, 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 compulsory national service, continues in similar service;".

4. In the principal regulations, as amended—

(*a*) in proviso (*b*) to regulation 5, there shall be substituted for all words after the words "war service" the words "or immediately after so

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) S.R. & O. 1947 (No. 1245) I, p. 1498.
(**c**) S.R. & O. 1947 (No. 1245) I, p. 1498, S.R. & O. 1947 (No. 1675) I, p. 1507 and S.I. 1948 (No. 1225) I, p. 2861.
(**d**) 52 & 53 Vict. c. 63. (**e**) 11 & 12 Geo. 6. c. 33.

ceasing became engaged in national service, but re-entered employment in one of those capacities, in the case of a person on war service, within twelve months after the termination of that war service, and in the case of a person on national service, within six months after the termination thereof"; and

(*b*) in the proviso to regulations 9 and 10, there shall be substituted for all words after the words "war service" the words "or immediately after so ceasing becomes engaged in national service, but re-enters employment in one of those capacities, in the case of a person on war service, within twelve months after the termination of that service, and in the case of a person on national service, within six months after the termination thereof."

5. In regulation 14 (2) of the principal regulations, as amended, there shall be inserted after the words "shall be reduced" the words "if such sum is ascertained solely by reference to the aggregate amount of the contributions which the person would have made during the said period of previous employment had he been a local Act contributor, by the aggregate amount by which the said contributions would have fallen to be reduced under regulation 4 had they been payable by him during the said period, as a local Act contributor, and in any other case".

6. In regulation 15 of the principal regulations, as amended, there shall be inserted after the words "ceased to be employed as aforesaid" the words "or, if he is a person to whom section 6 of the Act of 1948 has become applicable, the date upon which he enters his new employment,".

Given under the official seal of the Minister of Health this thirtieth day of March, nineteen hundred and forty-nine.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

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

Section 6 of the Superannuation (Miscellaneous Provisions) Act, 1948, enables the Minister of Health to specify any period as a period of emergency, and provides for the preservation for at least five years, instead of the normal twelve months only, of the superannuation rights of pensionable employees of local authorities who lose their employment as a result of the reduction of staffs by local authorities during any specified period of emergency.

There are various provisions in regulations made by the Minister under section 69 (4) of the National Insurance Act, 1946, which modify the pension rights of insured persons employed by local authorities on transfer to other local government employment according to whether or not the entry into the new employment does or does not take place within a period of twelve months after the cessation of the former employment.

These regulations are designed to extend that period by bringing those provisions into line with the statutory provision which has now been made.

These regulations also make certain amendments of the principal regulations which are consequential on the Superannuation (Local Government Staffs) (National Service) Rules, 1949.

They also rectify an anomaly arising under regulation 14 (2) of the principal regulations by reason of the existence of certain special provisions in a local Act.