1960 No. 2179 (S. 111)

The National Insurance (Non-participation—Fire Services) (Scotland) Regulations, 1960

Made - - - -	*24th November,* 1960
Laid before Parliament	*30th November,* 1960
Coming into Operation	*5th December,* 1960

In exercise of the powers conferred on me by section 12 of the National Insurance Act, 1959(a), I hereby, after consultation with the Scottish Central Fire Brigades Advisory Council, make the following Regulations :—

1.—(1) These Regulations may be cited as the National Insurance (Non-participation—Fire Services) (Scotland) Regulations, 1960, and shall come into operation on the 5th day of December, 1960.

(2) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" the Act " means the National Insurance Act, 1959 ;

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

" injury pension " means a pension provided under the Firemen's Pension Scheme for a person on retirement, where his retirement is caused through incapacity of mind or body occasioned by an injury received in the execution of his duty without his own default or in such circumstances that the said Scheme applies in like manner as if it had been occasioned by an injury so received.

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

2. These Regulations shall apply to employment in Scotland in which a person's service qualifies him under the Firemen's Pension Scheme for benefits by way of pension otherwise than by way only of injury pension, being employment as a member of a fire brigade or employment which—

(*a*) is treated under paragraph (*a*) of subsection (2) of section 26 of the Fire Services Act, 1947, as employment as a member of a fire brigade for the purposes of any of the provisions of the Firemen's Pension Scheme ; and

(*b*) is or is deemed by section 10 of the Fire Services Act, 1959(d), to be employment otherwise than under the Secretary of State.

3.—(1) In relation to employment to which these Regulations apply—

(*a*) elections with a view to the issue, variation, cancellation or surrender of certificates under Part II of the Act shall be made or revoked by the Secretary of State instead of by the employer ; and

(*b*) those things which under any of the provisions specified in paragraph (2) of this Regulation are required or are authorised to be done by or to the employer shall be done instead by or to the Secretary of State.

(a) 7 & 8 Eliz. 2. c. 47. (b) 10 & 11 Geo. 6. c. 41. (c) 52 & 53 Vict. c. 63.
(d) 7 & 8 Eliz. 2. c. 44.

(2) The provisions referred to in sub-paragraph (*b*) of paragraph (1) of this Regulation are—

(*a*) the following provisions of the National Insurance (Non-participation—Certificates) Regulations, 1959(**a**), that is to say—

(i) Part III (which relates to notices and elections);

(ii) Part IV (which relates to the determination of questions by the registrar) except in so far as it relates to questions referred to the registrar under Part III of the said Regulations; and

(iii) Part V (which relates to certificates), and

(*b*) the provisions of the National Insurance (Non-participation—Appeals and References) Regulations, 1959(**b**), except in so far as they relate to questions referred to the registrar under Part III of the National Insurance (Non-participation—Certificates) Regulations, 1959.

4. All employment to which these regulations apply shall be treated as employment under a single employer different from the employer in any other employment—

(*a*) for the purposes of subsection (2) of section 7 of the Act (which relates to the circumstances in which a person's employment is non-participating employment);

(*b*) for the purposes of subsection (4) of section 9 of the Act (which relates to liability to make payments in lieu of contributions); and

(*c*) for the purposes of the following provisions of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations, 1960(**c**), that is to say, Regulation 4 (which in certain circumstances, requires an employer to give notice of the end of a person's period of service in a non-participating employment) and Regulations 10 and 11 (which relate to the circumstances in which subsection (4) of section 9 of the Act applies).

Dated this 24th day of November, 1960.

John S. Maclay,
Secretary of State for Scotland.

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 which are made under section 12 of the National Insurance Act, 1959, relate to employment in a fire brigade in Scotland and certain other fire service employment which under the Firemen's Pension Scheme qualifies a person for a pension (other than an injury pension). As respects such employment Regulation 3 provides that the Secretary of State shall have functions under the 1959 Act normally falling to an employer and relating to questions whether or not employment shall be non-participating employment for the purposes of the National Insurance Act, 1959. Regulation 4 provides that all such employment shall be treated as employment under a single employer for the purposes of certain provisions of the 1959 Act and the regulations made thereunder which relate to an employer's liability to make a payment in lieu of contributions and to give notice of the end of an employee's period of service in non-participating employment.

(**a**) S.I. 1959/1860 (1959 II, p. 1867). (**b**) S.I. 1959/2119 (1959 II, p. 1856).
(**c**) S.I. 1960/1103 (Pt. II, p. 2244, of this vol.).