1960 No. 2285 (S. 122)

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

Made - - - -	*7th December*, 1960
Laid before Parliament	*14th December*, 1960
Coming into Operation	*17th 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 Police Council, make the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Non-participation—Police) (Scotland) Regulations, 1960, and shall come into operation on the 17th 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;

"injury pension" means a pension granted to a person under the Police Pensions (Scotland) Regulations on the ground of disablement which is, or is deemed by those regulations to be, the result of an injury or disease received or contracted in the execution of his duty;

"the Police Pensions (Scotland) Regulations" means the regulations for the time being in force under the Police Pensions Act, 1948(b).

(3) The Interpretation Act, 1889(c), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. These regulations shall apply to employment as a member of a police force in Scotland in which a person's service qualifies him under the Police Pensions (Scotland) Regulations for benefits by way of pension otherwise than by way only of injury pension.

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.

(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(d), that is to say—

(i) Part II (Notices and Elections);

(a) 7 & 8 Eliz. 2. c. 47. (b) 11 & 12 Geo. 6. c. 24.
(c) 52 & 53 Vict. c. 63. (d) S.I. 1959/1860 (1959 II, p. 1867).

(ii) Part IV (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;

(iii) Part V (Certificates); and

(*b*) the provisions of the National Insurance (Non-participation—Appeals and References) Regulations, 1959(a), 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 for the purposes of—

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

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

(*c*) the following provisions of the National Insurance (Non-participation —Assurance of Equivalent Pension Benefits) Regulations, 1960(b), 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 7th day of December, 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 with a police force in Scotland which, under the Police Pensions (Scotland) Regulations, 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, in the case of a change of employment, to make a payment in lieu of contributions and to give notice at the end of an employee's period of service in non-participating employment.

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