1960 No. 1695 (S. 83)

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

Made - - - -	*15th September,* 1960
Laid before Parliament	*22nd September,* 1960
Coming into Operation	*23rd September,* 1960

In the exercise of the powers conferred on me by section 12 of the National Insurance Act, 1959(a), and of all other powers enabling me in that behalf, I hereby make the following Regulations after consultation with the bodies referred to in subsection (3) of that section:—

1. These Regulations may be cited as the National Insurance (Non-participation—Teachers Superannuation) (Scotland) Regulations, 1960, and shall come into operation on the 23rd day of September, 1960.

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

(*a*) "the Act" means the National Insurance Act, 1959;

(*b*) "election" means an election with a view to the issue, variation, cancellation or surrender of a certificate that any employment is to be treated for the purposes of the Act, either generally or in relation to any description of persons specified in that certificate, as a non-participating employment; and

(*c*) other expressions have the same meanings as in the Act.

(2) Unless the context otherwise requires, references in these Regulations to any enactment or regulation shall be construed as references to that enactment or regulation as amended by any subsequent enactment or regulation or to any enactment or regulation substituted for that enactment or regulation.

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

3.—(1) In relation to employment in first class service within the meaning of the Teachers (Superannuation) (Scotland) Regulations, 1957(c)—

(*a*) every election shall be made or revoked by the Secretary of State for Scotland instead of by the employer; and

(*b*) things that are required or authorised to be done by or to the employer under the provisions specified in the next following paragraph shall be done by or to the Secretary of State.

(2) The provisions referred to in the last foregoing paragraph are—

(*a*) subsections (2) and (3) of section 7 of the Act;

(*b*) the following provisions of the National Insurance (Non-participation—Certificates) Regulations, 1959(d)—

(i) Part II (Notices and Elections),

(a) 7 & 8 Eliz. 2. c. 47. (b) 52 & 53 Vict. c. 63. (c) S.I. 1957/356 (1957 I, p. 733).
(d) S.I. 1959/1860 (1959 II, p. 1867).

(ii) Part IV (Determination of Questions by the Registrar) except so far as it relates to questions referred to the Registrar under Part III (Reference of Questions by the Minister), and

(iii) Part V (Certificates); and

(*c*) the National Insurance (Non-participation—Appeals and References) Regulations, 1959(a), except so far as they relate to appeals or references on questions referred to the Registrar under Part III of the National Insurance (Non-participation—Certificates) Regulations, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
15th September, 1960.

EXPLANATORY NOTE

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

These Regulations provide that the Secretary of State for Scotland instead of the employer may decide whether persons in first class service under the Teachers (Superannuation) Scheme, Scotland, should not participate in the scheme of retirement benefits provided for in the National Insurance Act, 1959. The Regulations further provide that those things leading to the issue, variation, cancellation or surrender of certificates of non-participation which apart from the Regulations would fall to be done by or to the employer are to be done by or to the Secretary of State. They also enable him to make payments to the National Insurance Fund in lieu of graduated contributions in respect of persons when they leave first class service without being assured of equivalent pension benefits in respect of it.

(a) S.I. 1959/2119 (1959 II, p. 1856).