EXPLANATORY NOTE

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

Since the coming into operation on the 5th July, 1948, of the Non-Contributory Old Age Pensions Regulations, 1948, a person entitled to a pension under the Old Age Pensions Act, 1936, has had the weekly rate of his pension adjusted for a period during which he was undergoing free of charge medical or other treatment as an in-patient in a hospital or similar institution so that it should not exceed five shillings. These regulations amend the principal regulations by increasing the maximum weekly rate of pension during such a period to six shillings and sixpence. The provision of the principal regulations that in certain circumstances adjustment shall not take place until the pensioner has undergone treatment for fifty-six continuous days is left unchanged.

RECKONING OF NATIONAL SERVICE, ETC.

1952 No. 75 (S. 7)

The Superannuation (Local Government Staffs) (National Service) (Amendment) (Scotland) Rules, 1952

Made - - - -	12*th January*, 1952
Laid before Parliament	16*th January*, 1952
Coming into Operation	17*th January*, 1952

In exercise of the powers conferred on me by section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), as extended by section 41 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**b**), and of all other powers enabling me in that behalf, I hereby make the following rules:—

1.—(1) These rules may be cited as the Superannuation (Local Government Staffs) (National Service) (Amendment) (Scotland) Rules, 1952, and shall come into operation on the 17th day of January, 1952, but shall have effect and be deemed always to have had effect as from the fifteenth day of July, 1950.

(2) These rules and the Superannuation (Local Government Staffs) (National Service) (Scotland) Rules, 1949(**c**), shall be construed as one, and may be cited together as the Superannuation (Local Government Staffs) (National Service) (Scotland) Rules, 1949 and 1952.

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

(4) In these rules, the expression "rule" means rule contained in the Superannuation (Local Government Staffs) (National Service) (Scotland) Rules, 1949.

2. In rule 1, in paragraph 2 thereof—

(*a*) in the definition of "national service" there shall be inserted after the words "the Superannuation (Miscellaneous Provisions) Act, 1948" the words "as amended by section 41 of the Reserve and Auxiliary Forces

(a) 11 & 12 Geo. 6. c. 33.
(b) 14 & 15 Geo. 6. c. 65.
(c) S.I. 1949/581; 1949 I, p. 3108.
(d) 52 & 53 Vict. c. 63.

(Protection of Civil Interests) Act, 1951, or service of a description specified in the First Schedule to that Act other than compulsory national service as in that Act defined ", and the word " compulsory " where it last occurs shall be deleted ; and

(*b*) the following definition shall be added:—

" ' national service pay ', in relation to the remuneration to which any person would have been entitled if he had continued in any former employment during the period of his national service, means his pay (including marriage, family and other similar allowances) in respect of his national service or, in the case of a person who immediately before he entered upon national service was employed not only in that employment but also in any other employment or employments in relation to which it is necessary to ascertain his pay in respect of his national service, an amount which bears the same proportion to his pay (including marriage, family and other similar allowances) in respect of his national service as the remuneration to which he would have been entitled if he had continued in the first mentioned employment bears to the total remuneration to which he would have been entitled if he had continued in both or all such employments as aforesaid."

3. In rule 4, the following provisions shall be added:—

" ; or

(*c*) require the payment of contributions by a person (other than a person who became engaged in compulsory national service as defined in the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951) in respect of any period of national service if his national service pay in respect of that period, together with any sum which the authority or body by whom he was formerly employed may resolve to pay to or in respect of him in supplementation of that national service pay, is less than the remuneration to which he would have been entitled in respect of that period if he had continued in his former employment, after the deduction therefrom of an amount equivalent to the contributions which he would in that event have been liable to pay thereon ; or

(*d*) in the case of such a person as is referred to in the last foregoing paragraph whose national service pay in respect of any period of national service, together with any such sum as aforesaid in respect of that period, is less than such remuneration as aforesaid but is greater than such remuneration as aforesaid after such deduction as aforesaid, require the payment by that person in respect of that period of contributions exceeding in amount the difference in respect of that period between his national service pay, together with any such sum as aforesaid, and the amount of such remuneration as aforesaid, after such deduction as aforesaid."

4. A new rule 4A shall be inserted after rule 4 in the following terms—

" 4A. Where by virtue of proviso (*c*) or (*d*) to the last preceding rule, a person is not required in respect of any period of national service to make the contributions, or to make the full amount of the contributions, which he would have been liable to make apart from the said proviso, the authority or body by whom he was formerly employed shall pay in respect of him to the superannuation fund to which he was a contributor in respect of his former employment a sum sufficient to make up any deficit of contributions to the full amount which he would have been liable to contribute to that fund had he continued in his former employment, and that authority or body shall also pay to that fund any contribution which in that event they would have been liable to pay thereto:

Provided that for the purpose of any provision of the Act of 1937 or any local Act scheme relating to the return of contributions on a person ceasing to be employed or dying any payments made under this rule shall be disregarded."

Dated this 12th day of January, nineteen hundred and fifty-two.

James Stuart,
One of His Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.

EXPLANATORY NOTE

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

These rules amend the Superannuation (Local Government Staffs) (National Service) (Scotland) Rules, 1949, in consequence of the passing of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and are given retrospective effect to a limited extent under the express powers of section 44 of that Act.

Rule 2 extends the existing definition of national service to include service of a description specified in paragraph 1, 2, 3, 4 or 7 of the Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and is designed thus to make that service pensionable under the rules of 1949. The rule also amends the definition so as to make it embrace certain classes of conscientious objector not technically covered by the existing definition, and adds a definition of national service pay to the rules of 1949.

Rule 3 excepts from the requirement to make contributions for pension purposes certain persons whose service in the Armed Forces is by the rules made national service within the meaning of the extended definition, and limits the requirement in certain other cases.

Rule 4 regulates the liability of the authority or body by whom a person on national service was formerly employed to make payments to the appropriate superannuation fund.

1952 No. 135

The Superannuation (Reserve and Auxiliary Forces) Rules, 1952

Made - - - -	*25th January,* 1952
Laid before Parliament	*30th January,* 1952
Coming into Operation	*1st February,* 1952

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), (hereinafter referred to as "the Act"), as amended and extended by sections 41 and 44 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(b), and of all other powers enabling Them in that behalf, hereby make the following Rules:—

1.—(1) These Rules may be cited as the Superannuation (Reserve and Auxiliary Forces) Rules, 1952.

(a) 11 & 12 Geo. 6. c. 33. (b) 14 & 15 Geo. 6. c. 65.