EXPLANATORY NOTE

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

These Rules under Section 54 of the Superannuation Act, 1949, make the necessary modifications in the application of that Act to persons who have service in the Civil Service and in a public office outside the United Kingdom which is not an office in the permanent Civil Service of a Colony within the meaning of the Pensions (Colonial Service) Act, 1887.

The Rules are similar to Parts I and III of the Superannuation (Joint Colonial and Civil Service) Rules, 1950. They provide for contributions to the Civil Service Widows' and Dependants' Pension Schemes and for the payment of pensions thereunder on the basis of the actual period of Civil Service. They also provide for the increase of superannuation benefits in certain cases of retirement on ill-health grounds and for the application of Subsection (3) of Section 42 of the Act, which provides that service in certain places abroad shall entitle the officer to a reduction in the retiring age. Finally, the Rules provide for a contribution to be paid to the Treasury before a pension is payable under the Widows' (or Defendants') Pension Scheme, in the case where a man dies in the service of a public office outside the United Kingdom.

The Superannuation (Teaching and Health Education) (Scotland) Rules, 1951

1951 No. 1355 (S. 71)

Made - - - -	*25th July*, 1951
Laid before Parliament	*27th July*, 1951
Coming into Operation	*1st August*, 1951

The Secretary of State in exercise of the powers conferred upon him by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and with the consent of the Treasury hereby makes the following Rules :—

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

(*a*) " Central Council " means the Central Council for Health Education ;

(*b*) " Pension Fund " means the Staff Pension Fund of the Central Council ;

(*c*) " Scheme of 1919 " means the Superannuation Scheme for Teachers in Scotland, dated the 5th day of June, 1919, and approved by His Majesty in Council on the 30th day of July, 1919(b) ;

(*d*) " Scheme of 1926 " means the Superannuation Scheme for Teachers (Scotland), 1926(c) ;

(*e*) " teaching service " has the meaning assigned to the expression " service " by paragraph (7) of article 1 of the Scheme of 1926.

(a) 11 & 12 Geo. 6. c. 33. (b) S.R. & O. 1919 (No. 1105) I, p. 688.
(c) S.R. & O. 1926 (No. 363) p. 449.

(2) Other expressions which have meanings assigned to them by the above-mentioned Schemes shall, unless the context otherwise requires, have the same respective meanings for the purposes of these Rules.

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

(4) References in these Rules to any scheme shall, except where the context otherwise requires, be construed as references to that scheme as amended by any other scheme.

2. Where, on or after the date of the coming into operation of these Rules, a person ceases to be employed on the staff of the Central Council and to be a contributor to the Pension Fund, and becomes employed in teaching service within a period of twelve months after so ceasing, then if the Secretary of State receives from the Pension Fund an amount equal to the sum standing to that person's credit in the Pension Fund immediately before he ceased to be a contributor thereto, less any amount paid to that person by way of return of contributions on his ceasing to be a contributor thereto, that person shall be entitled to reckon as teaching service such period as the Treasury shall decide having regard to the sum so received by the Secretary of State and to any sum received by him under the proviso to this rule:

Provided that this rule shall not apply to any person unless within three months after becoming employed in teaching service or within six months after the date of the coming into operation of these Rules, whichever period last expires, he notifies the Secretary of State in writing that he desires these Rules to apply to him, furnishes the Secretary of State with particulars of his previous superannuable employment and pays to the Secretary of State an amount equal to any sum received from the Pension Fund by way of return of contributions on or after ceasing to be employed on the staff of the Central Council.

3. Where a person who becomes employed in teaching service in accordance with the provisions of the last foregoing rule ceases to be so employed or dies in circumstances to which paragraph (2) of article 14 or paragraph (3) of article 10 respectively of the Scheme of 1926 applies, then, in computing the sum to which he or his legal personal representatives, as the case may be, shall be entitled, there shall be included a sum on account of contributions paid by him to the Pension Fund, and in computing the amount of the sum so included—

(*a*) as respects the period immediately before the date on which he has become or becomes employed in teaching service, compound interest shall be calculated in the manner provided by the rules for the time being of the Pension Fund ; and

(*b*) as respects the period beginning with that date, compound interest shall be calculated in accordance with the provisions of paragraph (4) of article 1 of the Scheme of 1926.

4. Where a person who has been employed in teaching service has become or becomes employed by the Central Council in employment in respect of which he is a contributor to the Pension Fund, the Secretary of State may treat such employment by the Central Council as service, but only for

(a) 52 & 53 Vict. c. 63.

the purpose of determining whether the person has completed a definite period of service prescribed as a condition of obtaining a retiring allowance or a gratuity under the Scheme of 1926.

5. All sums received by the Secretary of State under these Rules shall be paid into the Education (Scotland) Fund.

6. These Rules shall, with the necessary modifications, apply to teachers to whom the Scheme of 1919 applies as they apply to teachers to whom the Scheme of 1926 applies.

7.—(1) These Rules may be cited as the Superannuation (Teaching and Health Education) (Scotland) Rules, 1951.

(2) These Rules shall come into operation on 1st August, 1951.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
23rd July, 1951.

We consent,

Wm. Hannan,
W. A. Wilkins,
Two of the Lords Commissioners of His Majesty's Treasury.

25th July, 1951.

EXPLANATORY NOTE

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

These Rules are designed to enable service by a contributor to the Staff Pension Fund of the Central Council for Health Education, who transfers to teaching service under the Scottish Teachers Superannuation Scheme, to be taken into account in the calculation of pension under that Scheme if an appropriate payment is made from the Pension Fund to the Education (Scotland) Fund. In transfers the other way the Rules are designed to enable the service with the Council to count towards the period required under the Teachers Scheme as a condition of qualifying for the award of a retiring allowance, thus preserving the teacher's accrued rights under the Teachers Scheme.