1952 No. 518 (S. 17)

The Teachers' Pensions (National Service) (Scotland) Rules, 1952

Made - - - -	*12th March,* 1952
Laid before Parliament	*14th March,* 1952
Coming into Operation	*19th March,* 1952

In exercise of the powers conferred upon me by Section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), as amended by Sections 41 and 44 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(b), and with the consent of the Treasury, I hereby make the following Rules:—

Interpretation

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

(*a*) " civil salary ", in relation to a teacher on national service or specified national service, means a salary equal to such annual sum as in the opinion of the Secretary of State the teacher would have received if he had been employed in teaching service ;

(*b*) " former employer " means the person who last employs a teacher in teaching service before the date upon which the teacher enters upon national service or specified national service ;

(*c*) " period of national service " means any period of service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Act, 1948(c), or work or training in pursuance of an order made or a direction given under Part I of the said Act as respects a conditionally registered conscientious objector, and includes any period immediately following the termination thereof during which the teacher, with the consent of his former employer, continues in similar service, work, or training, and the expression " national service " shall be construed accordingly ;

(*d*) " period of specified national service " means a period of service of the description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, other than service of the description specified in paragraphs 5 and 6 of the said First Schedule, and the expression " specified national service " shall be construed accordingly ;

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

(*f*) " service pay " means the pay (including marriage, family and other similar allowances) receivable by a teacher in respect of his national service or specified national service ;

(*g*) " teaching service " has the same meaning as is assigned to " service " by article 1 (7) of the Scheme of 1926.

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

(a) 11 & 12 Geo. 6. c. 33. (b) 14 & 15 Geo. 6. c. 65. (c) 11 & 12 Geo. 6. c. 64.
(d) S.R. & O. 1926/363; 1926, p. 449. (e) 52 & 53 Vict. c. 63.

(3) References in these Rules to any enactment, scheme or other instrument shall, except where the context otherwise requires, be construed as references to the enactment, scheme or other instrument as amended by or under any other enactment, scheme or other instrument, including these Rules.

National service or specified national service interrupting teaching service

2.—(1) Where a teacher who entered upon national service on or after the date upon which these Rules came into operation or on specified national service on or after 15th July, 1950, was, immediately before he entered on national service or specified national service, employed in teaching service, his national service or specified national service shall be treated as teaching service.

(2) Where the national service or specified national service of a teacher is treated as teaching service, the provisions of section 103 of the Education (Scotland) Act, 1946(a), (which relates to the payment of contributions), shall apply in respect of the said teacher throughout his period of national service or specified national service with the substitution of references to the teacher's civil salary for references to his salary and of references to his former employer for references to his employer:

Provided that—

(i) no contributions shall be payable by a teacher in respect of any period of specified national service if in respect of that period, his service pay, together with any sum which his former employer may resolve to pay to or in respect of him in supplementation of his service pay (hereinafter referred to as "employer's supplement"), is less than his civil salary after the deduction therefrom of an amount equivalent to the contribution which, but for this proviso, would have been payable by the teacher on his civil salary ; and

(ii) the contributions payable by any teacher whose service pay in respect of any period of specified national service together with employer's supplement is less than his civil salary but is greater than his civil salary after the said deduction shall not exceed, in respect of that period, the difference between his national service pay, together with employer's supplement, and the amount of his civil salary after the said deduction.

Provisions as to breaks in teaching service not to apply to national service or specified national service

3. The provisions of article 16 of the Scheme of 1926 (which enables breaks in teaching service to be recorded as teaching service) shall not apply to the discontinuance of the teaching service of the teacher for the purpose of entering upon national service or specified national service.

National service or specified national service interrupting breaks in teaching service

4. Where the period immediately preceding the date upon which a teacher enters upon national service or specified national service is deemed to be a period of teaching service under article 16 of the Scheme of 1926, the period of national service or specified national service shall be treated as a period of teaching service, and—

(1) if it has been agreed between the teacher and his employer that at the end of the period which is deemed to be a period of teaching service under the said article 16 the teacher shall return to the teaching service of the employer, paragraph (2) of rule 2 of these Rules and the provisos to the said paragraph so far as applicable shall apply ; or

(a) 9 & 10 Geo. 6. c. 72.

(2) if it has not been so agreed, the provisions of section 3 of the Education (Scotland) (War Service Superannuation) Act, 1939(a), (which provided for the payment and collection of contributions in exceptional cases), shall apply as it applied to the teachers described in the said section but with the substitution of references to the teacher's civil salary for references to his salary.

Increased contributions by former employer

5. Where under the provisos to paragraph (2) of rule 2 or under paragraph (1) of rule 4 of these Rules a teacher is not required to pay contributions, or the contributions payable by him are less than the full amount of the contributions which he would have been liable to pay, apart from the said provisions, the contributions payable by his former employer shall be increased so as to cover the full amount of the contributions which the teacher would have been liable to pay as aforesaid.

National service or specified national service interrupting employment treated as qualifying service

6. Where a teacher, immediately before he enters upon national service or specified national service, is employed in an employment which is treated as service under article 12 (1) of the Scheme of 1926, his period of national service or specified national service shall be similarly treated.

Construction, citation, commencement, and revocation

7.—(1) These Rules and the Scheme of 1926 shall be construed as one.

(2) These Rules may be cited as the Teachers' Pensions (National Service) (Scotland) Rules, 1952.

(3) These Rules shall come into operation on 19th March, 1952. In so far as they relate to national service they shall have effect from the said date and in so far as they relate to specified national service they shall be deemed to have effect from 15th July, 1950.

(4) The Teachers' Pensions (National Service) (Scotland) Rules, 1949(b), are hereby revoked.

James Stuart,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
11th March, 1952.

We consent,

Edward Heath,
H. R. Mackeson,

Two of the Lords Commissioners of Her Majesty's Treasury.

12th March, 1952.

(a) 2 & 3 Geo. 6. c. 96.

(b) S.I. 1949/558; 1949 I, p. 1561.

EXPLANATORY NOTE

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

These Rules provide for the treatment of national service as teaching service for the purposes of the Scottish Teachers Superannuation Scheme, and prescribe the contributions payable in respect of the period of national service towards the cost of providing benefits under the Scheme.

The Rules revoke the Teachers' Pensions (National Service) (Scotland) Rules, 1949, which related mainly to teachers who left teaching service on or after 1st April, 1949, for compulsory national service in the armed forces of the Crown by virtue of an enlistment notice or training notice served under the National Service Act, 1948. The new Rules repeat the provisions of the revoked Rules for such teachers without material amendment.

New provisions are added in relation principally to teachers belonging to the Reserve and Auxiliary Forces who left teaching service on or after 15th July, 1950, for national service of the types specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, other than the types of service covered by the revoked Rules. Where such teacher's service pay and any supplement from his former employer are less in the aggregate than his salary would have been after deduction of superannuation contributions had he remained in his former employment, the teacher is not required to contribute and the former employer's contribution is increased by the amount of the contribution which the teacher would otherwise have had to pay.

The new provisions are given retrospective effect to 15th July, 1950, under the specific powers conferred by section 44 of the Act of 1951 mentioned above.

ELECTRICITY

1952 No. 595

The Electricity (Transmission Lines, England and Wales) (Transfer) Order, 1952

Made - - - -	21*st March*, 1952
Laid before Parliament	24*th March*, 1952
Coming into Operation	31*st March*, 1952

The Minister of Fuel and Power, after consultation with the Central Authority, in exercise of the powers conferred upon him by section nineteen of the Electricity Act, 1947(a), and of all other powers him enabling, hereby makes the following order:—

1. Interests in the transmission lines specified in the first column of the first part of the schedule to this order, and in the substations specified in the first column of the second part of that schedule, being each of them interests vested by virtue of the Electricity Act, 1947, in the electricity boards

(a) 10 & 11 Geo. 6. c. 54.