

FIRST SCHEDULE

Rule 3 (2)

WAR SERVICE

1. Any person who was engaged in war service at any time during the period from the 26th May, 1939, to the relevant date and who, but for his being so engaged, would have been a person in relation to whose employment the conditions in paragraph (1) of Rule 3 would have been satisfied (hereinafter called “an employee on war service”) shall be deemed to satisfy those conditions.

2. A person shall not be treated as satisfying the requirements of the preceding paragraph unless he had a right to (or, under a promise given to him by his employer, a reasonable expectation of) reinstatement in the employment last held by him before his war service, and, in the case of a person who ceases to be engaged in war service on or after the appointed day, he gives notice in writing to the Minister, within a period of two months after he ceases to be so engaged (or within such longer period as the Minister may for special reasons allow in a particular case), that he claims to be an employee on war service for the purpose of these Rules or of regulations made under Section 67 of the National Insurance Act.

3.—(1) An employee on war service who satisfies the requirements of paragraph 1 of this Schedule shall, for the purpose of these Rules, be treated as if he had remained in the employment of his last employer before his war service throughout that service and for any period thereafter during which he would, but for his war service, have been so employed, not being a period during which he was in other employment to which the said conditions in paragraph (1) of Rule 3 apply:

Provided that he shall only be so treated if and to the extent that he was, or would but for the passing of the National Insurance Act have been, so treated by that employer, and he shall not in any case be so treated in respect of any period after the appointed day.

(2) The calculation of the period of his former employment or of his accrued rights and any other calculation required by these Rules in relation to a former employment or to pension rights conferred or preserved by these Rules shall, in the case of such an employee on war service, be made on the basis of the preceding sub-paragraph.

4. For the purpose of these Rules, the expression “war service” means—

- (a) service in any of His Majesty's forces or the nursing and auxiliary services thereof;
- (b) service in the Merchant Navy, including the sea fishing service, the pilotage and light vessel services, or as a salvage worker;
- (c) full time service in the civil defence services (including the National Fire Service), the Royal Observer Corps, the Police War Reserve, the nursing and first aid services, and the Women's Land Army;
- (d) any full time employment into which a person entered by direction of the Minister of Labour and National Service;
- (e) detention by the enemy as a prisoner, military or civil, in any enemy or enemy-occupied country or internment in any enemy or enemy-occupied or neutral country in consequence of the war;
- (f) such other employment as the Minister, with the consent of the Treasury, approves in writing;

such service, employment, detention or internment being on or after the 26th May, 1939, but not including any voluntary extension of war service or voluntary enlistment after the cessation of hostilities otherwise than with the consent of the employer in whose service the person was, both at the time of the consent and immediately before the commencement of his war service.