

THE NATIONAL HEALTH SERVICE (SUPERANNUATION)
(ENGLAND AND SCOTLAND) REGULATIONS, 1948.

Made - - - - 30th June, 1948

1948 No. 1483

107749.

The Minister of Health and the Secretary of State, in exercise of the powers conferred on them by subsection (2) of section 67 of the National Health Service Act, 1946, and subsection (2) of section 66 of the National Health Service (Scotland) Act, 1947, hereby make the following regulations in the terms of a draft duly approved by resolution of each House of Parliament :—

9 & 10 Geo.
6. c. 81.
10 & 11 Geo.
6. c. 27.

Citation and Interpretation

1.—(1) These regulations may be cited as the National Health Service (Superannuation) (England and Scotland) Regulations, 1948.

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

52 & 53 Vict.
c. 63.

(3) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

“ the English Act ” means the National Health Service Act, 1946 ;

“ the Scottish Act ” means the National Health Service (Scotland) Act, 1947 ;

“ the English regulations ” means the regulations made by the Minister of Health under subsection (1) of section 67 of the English Act ;

“ the Scottish regulations ” means the regulations made by the Secretary of State under subsection (1) of section 66 of the Scottish Act ;

“ English employing authority ” means an employing authority within the meaning of the English regulations ;

“ Scottish employing authority ” means an employing authority within the meaning of the Scottish regulations ;

“ employee of an English employing authority ” and “ employee of a Scottish employing authority ” include a person who is treated as being an officer in the employment of an employing authority for the purposes of the English regulations or the Scottish regulations, as the case may be ;

“ English contributory employee or local Act contributor ” means a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act, 1937, and “ Scottish contributory employee or local Act contributor ” means a contributory employee or local Act contributor within the meaning of the Local Government Superannuation (Scotland) Act, 1937 ;

“ English teacher ” means a person in contributory service under the Teachers (Superannuation) Acts, 1918 to 1946 otherwise than under any scheme made under section 21 (1) (a) of the Teachers (Superannuation) Act, 1925, or otherwise than by virtue of section 13 (2) (g) of that Act ;

NATIONAL HEALTH SERVICE, ENGLAND

“Scottish teacher” means a person in service recorded in terms of the Superannuation Scheme framed and approved under the Education (Scotland) Superannuation Acts, 1919 to 1939, and any amendment thereof.

Application of Scottish regulations to employees of English employing authorities, English contributory employees or local Act contributors and English teachers who become employees of Scottish employing authorities.

2. Where a person becomes an employee of a Scottish employing authority after ceasing to be an employee of an English employing authority, an English contributory employee or local Act contributor or an English teacher, the Scottish regulations shall have effect in relation to him subject to such modifications as may be necessary to secure that he shall enjoy rights substantially similar to those which he would have enjoyed by virtue of the English regulations had he become an employee of an English employing authority.

Application of English regulations to employees of Scottish employing authorities, Scottish contributory employees or local Act contributors and Scottish teachers who become employees of English employing authorities.

3. Where a person becomes an employee of an English employing authority after ceasing to be an employee of a Scottish employing authority, a Scottish contributory employee or local Act contributor or a Scottish teacher, the English regulations shall have effect in relation to him subject to such modifications as may be necessary to secure that he shall enjoy rights substantially similar to those which he would have enjoyed by virtue of the Scottish regulations had he become an employee of a Scottish employing authority.

Application of Scottish regulations to employees of Scottish employing authorities who become English contributory employees or local Act contributors or English teachers.

4. Where a person becomes an English contributory employee or local Act contributor or an English teacher after having ceased to be an employee of a Scottish employing authority, the Scottish regulations shall have effect in relation to him subject to such modifications as may be necessary to secure that he shall enjoy rights substantially similar to those which he would have enjoyed by virtue of the said regulations had he become a Scottish contributory employee or local Act contributor or a Scottish teacher, as the case may be.

Application of English regulations to employees of English employing authorities who become Scottish contributory employees or local Act contributors or Scottish teachers.

5. Where a person becomes a Scottish contributory employee or local Act contributor or a Scottish teacher after having ceased to be an employee of an English employing authority, the English regulations shall have effect in relation to him subject to such modifications as may be necessary to secure that he shall enjoy rights substantially similar to those which he would have enjoyed by virtue of the said regulations had he become an English contributory employee or local Act contributor or an English teacher.

Superannuation Regulations (England and Scotland)

Transfer Values payable to and by the Secretary of State

6.—(1) Where a person becomes an employee of a Scottish employing authority after ceasing to be an English contributory employee or local Act contributor, the like transfer value (if any) shall be payable to the Secretary of State out of the fund in relation to which the person was a contributor by the authority maintaining that fund as would have been payable to the Minister of Health by virtue of the English regulations had the person become an employee of an English employing authority.

(2) Where a person becomes an employee of a Scottish employing authority after ceasing to be an English teacher, the like transfer (if any) shall be payable by the Minister of Education to the Secretary of State as would have been payable to the Minister of Health by virtue of the English regulations had the person become an employee of an English employing authority after ceasing to be a contributory employee.

(3) Where a person becomes an English contributory employee or local Act contributor after ceasing to be an employee of a Scottish employing authority, the like transfer value (if any) shall be payable by the Secretary of State to the authority maintaining the fund in relation to which the person so becomes a contributory employee or local Act contributor as would have been payable by virtue of the Scottish regulations had the person become a Scottish contributory employee.

(4) Where a person becomes an English teacher after ceasing to be an employee of a Scottish employing authority the like transfer value (if any) shall be payable by the Secretary of State to the Minister of Education as would have been payable by the Secretary of State by virtue of the Scottish regulations had the person become a Scottish contributory employee.

Transfer Values payable to and by the Minister of Health

7.—(1) Where a person becomes an employee of an English employing authority after ceasing to be a Scottish contributory employee or local Act contributor, the like transfer value (if any) shall be payable to the Minister of Health out of the fund in relation to which the person was a contributor by the authority maintaining that fund as would have been payable to the Secretary of State by virtue of the Scottish regulations had the person become an employee of a Scottish employing authority.

(2) Where a person becomes an employee of an English employing authority after ceasing to be a Scottish teacher the like transfer value (if any) shall be payable by the Secretary of State to the Minister of Health as would have been payable to the Secretary of State by virtue of the Scottish regulations had the person become an employee of a Scottish employing authority after ceasing to be a Scottish contributory employee.

(3) Where a person becomes a Scottish contributory employee or local Act contributor after ceasing to be an employee of an English employing authority, the like transfer value (if any) shall be payable by the Minister of Health to the authority maintaining the fund in relation to which the person so becomes a contributory employee or

NATIONAL HEALTH SERVICE, ENGLAND

local Act contributor as would have been payable by virtue of the English regulations had the person become an English contributory employee.

(4) Where a person becomes a Scottish teacher after ceasing to be an employee of an English employing authority the like transfer value (if any) shall be payable by the Minister of Health to the Secretary of State as would have been payable by the Minister of Health by virtue of the English regulations had the person become an English contributory employee.

Accounts and actuarial investigations

8.—(1) Any revenue received and expenditure incurred under these regulations by the Minister of Health or the Secretary of State (other than revenue received and expenditure incurred by the Secretary of State under paragraphs (2) and (4) of regulation 7 of these regulations) shall be treated for the purposes of paragraph (1) of regulation 37 of the English regulations or the Scottish regulations, as the case may be, as if it were received and incurred, in the former case, under the English regulations and in the latter case under the Scottish regulations.

(2) Paragraph (2) of regulation 37 of the English regulations shall have effect as if the reference therein to the transfer of a person to or from employment subject to those regulations from or to any such other employment as is therein mentioned included a reference to the transfer of a person to or from employment subject to those regulations from or to employment subject to the Scottish regulations, and as if the reference therein to the liability of which the Treasury, the Minister of Education or the Minister of Health is relieved included a reference to the liability of which the Secretary of State is relieved as a result of any such transfer.

(3) Paragraph (2) of regulation 37 of the Scottish regulations shall have effect as if the reference therein to the transfer of a person to or from employment subject to those regulations from or to any such other employment as is therein mentioned included a reference to the transfer of a person to or from employment subject to those regulations from or to employment subject to the English regulations, and as if the reference therein to the liability of which the Treasury or the Secretary of State is relieved included a reference to the liability of which the Minister of Health or the Minister of Education is relieved as a result of any such transfer.

Determination of questions

9. Any question arising under these regulations shall be determined by the Minister of Health and the Secretary of State jointly.

Given under the official seal of the Minister of Health and the seal of the Secretary of State for Scotland this thirtieth day of June nineteen hundred and forty-eight.

(L.S.)

Aneurin Bevan,
Minister of Health.

(L.S.)

Arthur Woodburn,
Secretary of State.

EXPLANATORY NOTE

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

The Minister of Health has made regulations under subsection (1) of section 67 of the National Health Service Act, 1946 providing superannuation benefits for persons employed in the central health service and in local health authority service. The Secretary of State has made similar provision as respects Scotland under subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947. These regulations provide for interchangeability of service with preservation of superannuation rights between the English and Scottish health services, and between either of those services and the Local Government Service and the Teaching Service in Great Britain. Consequential provision is made for the payment of transfer values, etc., to and by the Minister of Health, the Secretary of State and the other authorities concerned.
