

SCHEDULE

Section 1.

PART I

Amendments of the Local Government Staffs (War Service) Act, 1939.

- 1 Where a person serving in any superannuate capacity specified in the first column of the Schedule to the Act ceased so to serve in order to undertake war-service and had not then attained the age of eighteen years, and, if he had attained that age, any of his service before the date of the cessation would have been contributing service or service for the purposes of a local Act scheme, then, if he attains that age while in war service, he shall be entitled to reckon so much of his war service as falls after the attainment of that age as contributing service or service for the purposes of that local Act scheme, and section four of the Act shall have effect in respect of that part of his war service as if he had not ceased to serve as aforesaid in order to undertake war service until immediately after the date upon which he attains that age.
- 2 Where a person serving in any superannuate capacity specified in the first column of the Schedule to the Act ceased so to serve in order to undertake war service and had not then attained the age of eighteen years, and the provisions of paragraph 1 of this Part of the Schedule do not apply, the period of his war service shall be taken into account for superannuation purposes in the same manner and to the same extent, if any, as it would have fallen to be taken into account if he had continued to serve in the same superannuable capacity as aforesaid throughout the period of his war service.
- 3 Where a person serving in a temporary capacity as a whole time officer of a local authority, being an authority specified in Part I of the First Schedule to the Local Government Superannuation Act, 1937, ceased so to serve in order to undertake war service and had then attained the age of eighteen years but was not then a contributory employee or a local Act contributor, and, if he had not ceased so to serve, he would have become a contributory employee or a local Act contributor on some date falling within the period of his war service, he shall be entitled to reckon so much of his war service as falls after the said date as contributing service or as service for the purposes of the local Act scheme, and section four of the Act shall have effect in respect of that part of his war service as if he had not ceased to serve as aforesaid in order to undertake war service until immediately after the said date.
- 4 It is hereby declared that where, under section three of the Act, the period of a person's war service falls to be aggregated with the period of his service in his civil capacity, then, for the purposes of sections thirteen and twenty-nine of the Local Government Superannuation Act, 1937, he shall not be deemed to have ceased to be employed by the authority by whom he was employed immediately before he undertook his war service until the expiration of his war service or, if before the expiration of his war service he makes a claim under section ten of the last mentioned Act for the return of contributions made by him for superannuation purposes, until the date on which the claim is made, and references in the said sections thirteen and twenty-nine to the cessation of his employment by that authority shall be construed accordingly.
- 5 Where a person who is in war service immediately before the end of the present emergency continues in the same service after the end thereof, the said service continued as aforesaid shall all be treated as war service for the purposes of the Act :

Provided that, except where the said person continues his war service in pursuance of a legal obligation so to do arising otherwise than by reason of a voluntary undertaking by him to continue it, the local authority by whom he was employed immediately before he undertook his war service may at any time by notice in writing given to him notify him that his war service for the purposes of the Act will be deemed to cease three months after the date of the service of the notice, and unless the authority withdraw their notice the said war service shall be deemed to cease accordingly.

- 6 The provisions of this Part of this Schedule shall be deemed always to have had effect and all necessary adjustments shall be made accordingly.
- 7 In its application to Scotland, this Part of this Schedule shall have effect as if for references to the Local Government Superannuation Act, 1937, and to sections ten, thirteen and twenty-nine thereof, there were respectively substituted references to the Local Government Superannuation (Scotland) Act, 1937, and to sections ten, thirteen and twenty-four thereof.

PART II

Amendments of the Teachers Superannuation (War Service) Act, 1939.

- 1 (1) In paragraph (b) of subsection (3) of section two (which relates to the employer's contributions which must be paid by persons undertaking war service before completing their training as teachers or before becoming employed in contributory service if their war service is to count as contributory service) after the words " such amount " there shall be inserted the words " (not exceeding two and a half per cent. of the amount of his said salary as a teacher) ".
- (2) Sections two and three shall have effect as if section two had been enacted as amended by this paragraph.
- 2 After section seven the following section shall be inserted—
- “7A Where a person employed as a teacher in contributory service ceases to be so employed by reason that he is interned by the enemy or by a neutral power, this Act shall have effect as if he had ceased to be so employed in order to undertake war service and as if his war service had continued for the period of his internment.”
- 3 (1) Where a person who is in war service immediately before the end of the period of the present emergency continues in the same service either with the consent of his former employer (as defined for the purposes of the Act) or in pursuance of a legal obligation so to do arising otherwise than by reason of his voluntary continuance of his service, the said service continued as aforesaid shall all be treated as war service for the purposes of the Act; and section nine of the Teachers (Superannuation) Act, 1945 shall be construed accordingly.
- (2) Where a person who is in war service immediately before the end of the period of the present emergency continues in the same service after the end thereof in pursuance of a legal obligation so to do arising by reason of his voluntary continuance of his service without the consent of his former employer, nothing in section nine of the Teachers (Superannuation) Act, 1945 shall be construed as enabling so much of the

said service continued as aforesaid as falls after the end of the period of the present emergency to be treated as part of his period of war service.

- 4 The Act shall apply to a person whose, employment is treated by virtue of section two of the Teachers (Superannuation) Act, 1945, as if it were employment as a teacher in contributory service as it applies to such a teacher, and any reference in the Act to a teacher or to contributory service shall be construed accordingly.
- 5 Notwithstanding anything in section eleven of the Act, the expression " contributory service ", wherever used in the Act, shall, in relation to service after the commencement of the Teachers (Superannuation) Act, 1945, be construed, save where the context otherwise requires, as having the meaning assigned to it by subsection (1) of section one of the last mentioned Act.
- 6 The provisions of this Part of this Schedule shall be deemed always to have had effect, and all necessary adjustments shall be made accordingly.

PART III

Amendments of the Education (Scotland) (War Service Superannuation) Act, 1939.

- 1 In section seven, at the end of the definition of " war service ", the following words shall be inserted and shall be deemed always to have formed part of the definition — " and includes internment by the enemy or by a neutral power ".
- 2 Where a person who is in war service immediately before the end of the present emergency continues in the same service either with the consent of the education authority, governing body or other body of managers by whom he was employed immediately before undertaking war service or in pursuance of a legal obligation so to do arising otherwise than by reason of his voluntary continuance of his service, the said service continued as aforesaid shall all be treated as war service for the purposes of the Act.
- 3 Where a person who war service immediately before the end of the period of the present emergency continues in the same service after the end thereof in pursuance of a legal obligation so to do arising by reason of his voluntary continuance of his service without the consent of the education authority, governing body or other body of managers by whom he was employed immediately before undertaking war service, nothing in the definition of " period of war service " in section seven of the Act shall be construed as enabling so much of the said service continued as aforesaid as falls after the end of the period of the present emergency to be treated as part of his period of war service.