SCOTTISH STATUTORY INSTRUMENTS

2003 No. 270

NATIONAL HEALTH SERVICE

The National Health Service Superannuation Scheme (Scotland) Amendment (No. 2) Regulations 2003

Made - - - -	*3rd June 2003*
Laid before the Scottish Parliament - - - -	*5th June 2003*
Coming into force - -	*30th June 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 10 and 12 of, and Schedule 3 to, the Superannuation Act 1972(**1**), and all other powers enabling them in that behalf, after consulting such representatives of persons likely to be affected by these Regulations as appear to be appropriate in accordance with section 10(4) of that Act, and with the consent of the Treasury(**2**), hereby make the following Regulations.

Citation, commencement, effect, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service Superannuation Scheme (Scotland) Amendment (No. 2) Regulations 2003 and shall come into force on 30th June 2003 but–

(a) regulations 3 and 6 shall have effect from 1st April 2003; and

(b) regulations 8, 9, 10 and 11 shall have effect from 1st April 2002.

(2) These Regulations extend to Scotland only.

Amendment of the National Health Service Superannuation Scheme (Scotland) Regulations 1995

2. The National Health Service Superannuation Scheme (Scotland) Regulations 1995(**3**) shall be amended in accordance with regulations 3 to 11 of these Regulations.

(**1**) 1972 c. 11; sections 10 and 12 were amended by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) sections 4(2), 8(5) and 10; section 10(6) was amended by the Pension Schemes Act 1993 (c. 48), Schedule 8, paragraph 7; the functions of the Secretary of State were transferred to Scottish Ministers by virtue of article 2 of and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750).

(**2**) See the Superannuation Act 1972, section 10(1) and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750).

(**3**) S.I. 1995/365, amended by S.I. 1997/1434, 1997/1916, 1998/1593, and 1999/443 and S.S.I. 2001/437, 2001/465 and 2003/55.

Contributions and other payments by employing authorities

3. In regulation D2–

(a) at the end of the paragraph (1) insert "and when specifying a rate the Scottish Ministers shall include the cost of providing any increases in pensions which are payable by virtue of Part I of the Pensions (Increase) Act 1971(**4**)"; and

(b) in paragraph (3)(d) after "sub paragraphs (a) to (c) above" insert "which has not been contributed pursuant to paragraph (1)".

Preserved pension

4. In regulation E6–

(a) at the beginning of paragraph (4), for "If" substitute "Except in a case to which paragraph (4A) applies, if"; and

(b) after paragraph (4), insert–

"(4A) Paragraph (4) may not apply where the NHS employment which the member is in when he reaches age 60 is employment into which he has been transferred as a result of a transfer of an undertaking to the employer.

(4B) Where a member receives a pension under paragraph (1) while being in the new employment to which paragraph (4A) applies–

(a) his benefits in respect of any pensionable service in that new employment shall be calculated without regard to any pensionable service in any earlier employment; and

(b) for the purposes of regulation C2 (meaning of "pensionable service") and regulation D1(3) and (4) (contributions by members), his service in the earlier employment and in the new employment shall be aggregated.".

Reduction of pension on return to NHS employment

5. In regulation S2–

(a) at the beginning of paragraph (1)(**5**), for "Subject to paragraph (12), this", substitute "Subject to paragraph (12) and except in a case to which paragraph (1A) applies, this"; and

(b) after paragraph (1), insert–

"(1A) This paragraph applies where the member has been transferred into NHS employment as a result of a transfer of an undertaking to the employer.".

Accounts and actuarial reports

6. In regulation U3(5) after "pensionable pay" insert "and of all contributions to the scheme made under regulation D2(1)".

Amendments to Schedule 1

7. Schedule 1 (medical and dental practitioners) is amended in accordance with regulations 8 to 11.

(**4**) 1971 c. 56. Section 2 has been replaced by section 59 of the Social Security Pensions Act 1975 (c. 60) but subsection (7) of that section provides the said section 59 shall have effect as if contained in the said Act of 1971.
(**5**) Regulation S2(1) was amended by S.I. 1998/1593.