

2022 No.

PUBLIC SERVICE PENSIONS

NATIONAL HEALTH SERVICE

**The National Health Service Pension Schemes (Amendment)
Regulations 2022**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(1) and (2)(e), 2, 3 and paragraph 5(b) of schedule 2 of the Public Service Pensions Act 2013 (the “2013 Act”) and all other powers enabling them to do so.

In accordance with section 21 of the 2013 Act^(a), the Scottish Ministers have consulted the representatives of such person as appear to them likely to be affected by these Regulations.

In accordance with section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service Pension Schemes (Amendment) (Scotland) Regulations 2022.

(2) These Regulations come into force on 1 April 2022.

Amendment of the National Health Service Superannuation Scheme (Scotland) Regulations 2011

2. In the National Health Service Superannuation Scheme (Scotland) Regulations 2011^(b), in Part B (membership), in regulation B3 (restrictions on further participation in this Section of the scheme)^(c), at the beginning insert—

“(A1) A person may not contribute to or accrue further pensionable service under this Section of the scheme in relation to the person’s service after 31st March 2022.

(A2) Paragraphs (1) to (18) of this regulation apply to a person’s service under this Section of the scheme before 1st April 2022.”.

^(a) Section 21 was amended by section [79(7)] of the Public Service Pensions and Judicial Offices Act 2021.
^(b) S.S.I. 2011/117.

Amendment of the National Health Service Superannuation Scheme (2008 section) (Scotland) Regulations 2013

3.—(1) The National Health Service Superannuation Scheme (2008 section) (Scotland) Regulations 2013(a) are amended as follows.

(2) In Part 2 (benefits for officers), in regulation 2.B.3 (restrictions on eligibility: general)(b), at the beginning insert—

“(A1) A person is not eligible to be an active member of this Section of the Scheme in respect of service in NHS employment after 31st March 2022.

(A2) Paragraphs (1) to (7) of this regulation apply in respect of service in NHS employment before 1st April 2022.”.

(3) In Part 3 (benefits for practitioners etc.), in regulation 3.B.3 (restrictions on eligibility: general)(c), at the beginning insert—

“(A1) A person is not eligible to be an active member of this Section of the Scheme in respect of practitioner service after 31st March 2022.

(A2) Paragraphs (1) to (8) of this regulation apply in respect of practitioner service before 1st April 2022.”.

Amendment of the National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015

4.—(1) The National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015(d) are amended as follows.

(2) In regulation 18(1) (uprating of old scheme practitioner earnings)(e), in the opening text, for “after 31st March 2015” substitute “in which the member is a member of the new scheme”.

(3) In regulation 25 (decoupling of benefits derived from additional contributions)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), after “except as provided for in paragraph (10) below” insert “,or, if later, the date on which the member joins the new scheme,”;

(ii) in sub-paragraph (b), after “except as provided for in paragraph (10) below” insert “,or, if later, the date on which the member joins the new scheme,”;

(iii) in the closing text—

(aa) after “date or”, omit “the member’s”;

(bb) at the end, insert “or, if later, the date on which the member joins the new scheme”;

(b) in paragraph (6), for the words from “requires,” to the end substitute—

“requires—

(a) no later than one month before the member’s chosen date or chosen birthday (as applicable); or

(b) if—

(i) the member joins the new scheme less than six months before the member’s chosen date or chosen birthday (as applicable); or

(ii) the member joins the new scheme on or after the member’s chosen date or chosen birthday (as applicable),

(a) S.S.I. 2013/174.

(b) Regulation 2.B.3 was amended by paragraph 10, Sch 2(2) of S.S.I. 2015/95, regulations 9(2)(a), 9(2)(b), 9(3)(a), 9(3)(b)(i) and 9(3)(b)(ii) of S.S.I. 2017/434, regulation 24 of S.S.I. 2015/96.

(c) Regulation 3.B.3 was amended by Sch.2(2) para.16 of SSI 2015/95, regulations 16(2)(a), 16(2)(b), 16(3)(a), 16(3)(b)(i) and 16(3)(b)(ii) of SSI 2017/434 and regulation 38 of SSI 2015/96.

(d) S.S.I. 2015/95.

(e) Regulation 18(1) was amended by regulation 51(1) to (3) of S.S.I 2017/275..

no later than three months after the date on which the scheme administrator provides the notification referred to in paragraph (9).”;

- (c) in paragraph (9), in the opening text, for the words from “regulation” to the end substitute—

“regulation—

- (a) at least six months before the member’s chosen date or chosen birthday (as applicable); or
- (b) if the member joins the new scheme at a time specified in paragraph (6)(b)(i) or (ii), no later than three months after the date on which the member joins the new scheme.”;

- (d) after paragraph (9), insert—

“(9A) A notice for the purpose of paragraph (9) must specify—

- (a) the date on which any pension payable pursuant to this regulation would come into payment were an election to be made;
- (b) the amount of any pension payable under this regulation (before any option to commute part of the pension into a lump sum); and
- (c) the date by which the election under this regulation must be received by the scheme administrator pursuant to paragraph (6).”.

Name

A member of the Scottish Government