

**2022 No.**

**NATIONAL HEALTH SERVICE**

**The National Health Service Superannuation and Pension  
Schemes (Miscellaneous Amendments) (Scotland) (No. 2)  
Regulations 2022**

*Made* - - - - 2022  
*Laid before the Scottish Parliament* 2022  
*Coming into force* - - 1st November 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10 and 12 and schedule 3 of the Superannuation Act 1972(a), section 1(1) and (2)(e) and paragraph 5(b) of schedule 2, and schedule 3, of the Public Service Pensions Act 2013(b) and all other powers enabling them to do so.

In accordance with section 10(4) of the Superannuation Act 1972, the Scottish Ministers have consulted with such representatives of persons likely to be affected by these Regulations as appear to them to be appropriate.

In accordance with section 21(1) of the Public Service Pensions Act 2013, the Scottish Ministers consulted the representatives of such persons as appeared to them likely to be affected by these Regulations.

In accordance with section 10(1) of the Superannuation Act 1972 and section 3(5) of the Public Service Pensions Act 2013, these Regulations are made with the consent of the Treasury(c).

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(a) 1972 c.11. Section 10 was amended by Part II of schedule 7 of the National Health Service (Scotland) Act 1972 (c.58), schedule 5 of the National Health Service Reorganisation Act 1973 (c.32), sections 4(2) and 8(5) and (6) of the Pensions (Miscellaneous Provisions) Act 1990 (c.7) (“the 1990 Act”), paragraph 7 of schedule 8 of the Pensions Schemes Act 1993 (c.48), paragraph 10 of schedule 8 of the Public Service Pensions Act 2013 (c.25) and S.I. 2001/3649. Section 12 was amended by section 10 of the 1990 Act. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of article 2 and schedule 1 of S.I. 1999/1750.

(b) 2013 c.25.

(c) The function of the Minister under section 10(1) of the Superannuation Act 1972 was transferred to the Treasury by S.I. 1981/1670.

## PART 1

### Introductory

#### **Citation and commencement**

- 1.—(1) These Regulations may be cited as the National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2022.
- (2) These Regulations come into force on 1 November 2022.

## PART 2

### Modifications of restrictions on return to work

#### **Duration of modifications in this Part**

2. The modifications in this Part apply until the end of 31 March 2023.

#### **Modifications of the National Health Service Superannuation Scheme (Scotland) Regulations 2011**

3. The National Health Service Superannuation Scheme (Scotland) Regulations 2011(a) have effect as if—

- (a) regulation S1 (suspension of pension on return to NHS employment) were omitted; and
- (b) in the opening words of regulation S2(4) (reduction of pension on return to NHS employment) the words “or (c)” were omitted.

#### **Modifications of the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013**

4. The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013(b) have effect as if the following regulations were omitted—

- (a) regulation 2.D.6(2)(a) (abatement of pension following increase in pensionable pay); and
- (b) regulation 3.D.6(2) (a) (abatement of pension following increase in engagement in employment).

#### **Modifications of the National Health Service Pension Scheme (Scotland) Regulations 2015**

5. The National Health Service Pension Scheme (Scotland) Regulations 2015(c) have effect as if regulation 85(3) (abatement of pension following continuation of employment) were omitted.

Authorised to sign by the Scottish Ministers

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(a) S.S.I. 2011/117. Relevant amending instruments are S.S.I. 2012/163, S.S.I. 2013/109, S.S.I. 2014/43, S.S.I. 2014/154, S.S.I. 2015/96, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2017/434, S.S.I. 2019/46, S.S.I. 2020/30 and S.S.I. 2021/102. Regulations S1 and S2 were modified by S.S.I. 2022/117.

(b) S.S.I. 2013/174. Relevant amending instruments are S.S.I. 2015/95, S.S.I. 2015/96, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2017/434, S.S.I. 2019/46, S.S.I. 2020/30 and S.S.I. 2021/02. Regulations 2.D.6 and 3.D.6 were modified by S.S.I. 2022/117.

(c) S.S.I. 2015/94. Relevant amending instruments are S.S.I. 2016/97, S.S.I. 2017/28, S.S.I. 2017/434, S.S.I. 2019/46, S.S.I. 2020/30 and S.S.I. 2021/02. Regulation 85 was modified by S.S.I. 2022/117.

St Andrew's House,  
Edinburgh  
2022

We consent

2022

Two of the Lords Commissioners of  
Her Majesty's Treasury

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make temporary modifications to the National Health Service Superannuation Scheme (Scotland) Regulations 2011, the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013 and the National Health Service Pension Scheme (Scotland) Regulations 2015 (“the 2015 Regulations”). The modifications have similar effect to section 46 of the Coronavirus Act 2020 (“the 2020 Act”) following the expiry of that section, until 31 March 2023. Section 46 of the 2020 Act suspended certain rules that apply in the NHS Pension Scheme in Scotland so that healthcare professionals who have recently retired can return to work and those who have already returned can increase their hours without there being a negative impact on their pension entitlements, in order that those rules do not act as a disincentive for healthcare professionals who wish to re-enter the workforce in order to assist the healthcare response to COVID-19.

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