
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

The National Health Service Pension Scheme
(Consequential Provisions) (Scotland) Regulations 2015

PART 4

Modification of tax regime

Annual allowance charge

15.—(1) This regulation applies to a person (P) who—

- (a) is a member of the old scheme whether by virtue of pensionable service for that scheme or deemed transfer scheme service under paragraph 2 of Schedule 7 to the 2013 Act (final salary link);
- (b) is a member of the new scheme by virtue of pensionable service for the new scheme; and
- (c) becomes entitled to payment of an ill-health pension at Lower Tier or Upper Tier under the new scheme.

(2) Section 234 of the Finance Act 2004⁽¹⁾ (defined benefits arrangements) is modified in its application to P as specified in paragraph (3).

(3) When calculating the closing value of P's rights under the new scheme for the pension input period during which P becomes entitled to payment of the ill-health pension, the element of the ill-health pension at Lower Tier that represents pensionable service for the old scheme is not to be counted as being part of the closing value.

⁽¹⁾ Section 234 was amended by section 66 of, and paragraphs 1, 10 and 27 of Schedule 17 to, the Finance Act 2011 (c.11).