
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service Superannuation Scheme Regulations 1995 (“the Superannuation Scheme Regulations”) which provide for the superannuation of persons engaged in the National Health Service in Scotland, and – in one respect – the National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 1981 (“the Compensation Regulations”) which provide for the compensation payable in respect of such persons where they retire prematurely by reason of redundancy or in the interests of the efficiency of the service and the National Health Service (Scotland) (Injury Benefits) Regulations 1998 which provide for the payment by Scottish Minister of injury benefits to or in respect of any person engaged in the National Health Service in Scotland whose earning ability is reduced, or who dies as a result of an injury suffered, or a disease contracted, in the course of his or her duties. Certain provisions have retrospective effect as authorised by section 12 of the Superannuation Act 1972: regulations 5(a), (b) and (c), 6, 8, 9, 12, 14, 18(a) and (d), 20(a), (b), (c) and (e), 21 and 22 from 1st October 1999, regulation 10 from 31st March 2000 and regulations 16 and 18 from 1st April 2000.

Regulation 5 amends regulation A2 to include in the definition of “employing authority” a Primary Care NHS Trust to which certain functions referred to in section 12AA of the 1978 Act (in relation to the provision of general or personal medical or dental services under that Act and pilot schemes under Part 1 of the National Health Service (Primary Care) Act 1997) are delegated by the Health Board to the Trust. The definition of “specialist” is amended to avoid confusion with the introduction of the new grade of nurse consultant.

Regulations 5, 6, 8, 9, 12, 14, 18, 20, 21 and 22 amend regulations A2, B2, E3, E4, R1 and R13 of, and in Schedule 1 to, the Superannuation Scheme Regulations and regulations 2, 3 and 4 of the Injury Benefits Regulations to include references to Primary Care NHS Trusts.

Regulation 7 amends regulation C4(6) of the Superannuation Scheme Regulations to clarify that calculation of part-time service in relation to early retirement pensions under regulation E3 (early retirement pension (redundancy, etc.)) is in accordance with E2 of those Regulations.

Regulation 10 amends regulation E6 of the Superannuation Scheme Regulations to enable a member who leaves pensionable employment after 30th March 2000 with preserved rights to elect to receive an actuarially reduced pension and lump sum after attaining the age of 50.

Regulations 11 and 23 amend regulation F5 of the Superannuation Scheme Regulations to make provision for members to nominate someone other than their surviving spouse as the person who is to receive the lump sum payable on their death, with transitional protection for existing arrangements.

Regulation 13 amends regulation R3(6) of the Superannuation Scheme Regulations to correct an error made when consolidating the Regulations. The amendment allows service transferred in under regulations N2 or N3 to count as qualifying service for the purposes of regulations R3 where the previous employment meets the criteria for mental health officer. This regulation also amends regulation R3(16)(c) to refer to specialist to avoid confusion with the interpretation of consultant following the introduction of nurse consultants.

Regulation 15 amends regulation S1 to clarify that where a preserved pension comes into payment and the person resumes employment within one month working more than 16 hours per week, the pension will be subject to suspension.

Regulation 16 amends regulation S2(1) of the Superannuation Scheme Regulations so that where a person with preserved rights elects to receive an actuarially reduced pension or where a pension is

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in payment under regulation E5, the pension will not be subject to a reduction should the member return (after more than one month) to NHS employment while under the age of 60.

Regulation 17 inserts a new regulation T9 in the Superannuation Scheme Regulations to provide for interest to be paid in respect of delays in the payment of benefits.

Regulation 18 amends Schedule 1 to the Superannuation Scheme Regulations to include references to Primary Care NHS Trusts and amend paragraph 3 of that Schedule to provide for allowances paid to a practitioner in respect of participation in a Local Health Care Co-operative (excluding payments made to cover expenses) to be treated as practitioner earnings.

Regulation 19 amends the Compensation Regulations to clarify that the application of regulation 5 of those Regulations in relation to a pension payable under regulation E3 of the Superannuation Scheme Regulations means the proportion which would be payable to a part-time member under Regulation C4(6) of the Superannuation Scheme Regulations.

Regulations 20 to 22 amend regulations 2, 3 and 4A of the Injury Benefits Regulations to include references to Primary Care NHS Trusts and insert a new definition of employing authority in relation to practitioners.

Regulation 23 provides transitional protection for existing arrangements to exclude the widow or widower from receiving the lump sum on death.

These Regulations do not impose any costs on business.