

SCHEDULE 9

MODIFIED APPLICATION IN CERTAIN CASES

PART V

PERSONS FORMERLY MEMBERS OF THE NATIONAL HEALTH SERVICE PENSION SCHEME

24. In this Part—

- (a) “the 1995 Regulations” means the National Health Service Superannuation Scheme (Scotland) Regulations 1995(1); and
- (b) the expression “member” and “scheme” shall be construed in accordance with the 1995 Regulations.

25. This Part applies to persons who—

- (a) immediately before they were in pensionable employment (for the purposes of these Regulations) were employed by a health board in a college of nursing or midwifery and were in pensionable employment within the meaning of the 1995 Regulations; and
- (b) whose employment ceased to be pensionable within the meaning of the 1995 Regulations on 1st September 1996 or, in the case of the Robert Gordon University, 1st December 1996 and became pensionable for the purpose of these Regulations by virtue of a relevant transfer within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 1981(2).

26.—(1) If a person to whom this Part applies—

- (a) chose, while he or she was a member of the scheme to increase his or her right to benefits under the scheme by buying additional service under regulation Q1 of the 1995 Regulations by making regular additional contributions;
- (b) at the time of the relevant transfer referred to in paragraph 25 had not completed the payment of the additional contributions; and
- (c) a transfer value has been accepted by the Scottish Ministers,

he or she may complete the payment of such contributions as if Part Q of the 1995 Regulations applied to him or her and shall accordingly be entitled to count as reckonable service the additional service which would have been bought under Part Q of the 1995 Regulations by the payment of such contributions.

(2) Regulation C15 shall apply to the contributions referred to in this paragraph as if such contributions were paid under regulation C6.

(3) For the purposes of any provision in these Regulations which imposes a maximum on the contributions which a person can make, the contributions referred to in this paragraph shall be treated as paid under Part C.

27. Where a person to whom this Part applies

- (a) was immediately before the relevant transfer referred to in paragraph 25 a person to whom regulation R2 or R3 of the 1995 Regulations applied; and

(1) [S.I. 1995/365](#), to which there are amendments not relevant to these Regulations.

(2) [S.I. 1981/1794](#) to which there are amendments not relevant to these Regulations.

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(b) has continued to be such a person after the said transfer save only for the fact that his or her employer is not an employing authority within the meaning of the 1995 Regulations, regulation E6 shall apply in relation to that person as if the references to the age of 60 were references to the age of 55.

28. Where a transfer value has been accepted in respect of a person to whom this Part applies the person is entitled to count as reckonable service the period which, at the time of relevant transfer referred to in paragraph 25, he or she was entitled to count as pensionable service for the purposes of the 1995 Regulations.