SCOTTISH STATUTORY INSTRUMENTS

2008 No. 224

The National Health Service Pension Scheme (Scotland) Regulations 2008

PART 2

BENEFITS FOR OFFICERS

CHAPTER 2.D

MEMBERS' RETIREMENT BENEFITS

Entitlement to pensions

Early retirement on termination of employment by employing authority

2.D.11.—(1) A member other than a non-GP provider who has reached the age of 55, but not 65, is entitled to a pension payable for life if–

(a) the employment in which the member is an active member is terminated by the member's employing authority and the member has ceased to be employed in NHS employment;

(b) the member has 2 years of qualifying service;

(c) the member's employing authority certifies that the member–

(i) has at least 2 years of continuous employment determined in accordance with any terms and conditions applying to the employment; and

(ii) has not unreasonably refused to seek suitable alternative employment or accept an offer of such employment;

(d) the Scottish Ministers certify that the member's employment is terminated–

(i) by reason of redundancy; or

(ii) in the interests of the efficiency of the service in which the member is employed; and

(e) the member has claimed payment of the pension.

(2) A certificate under paragraph (1)(d)(ii) may only be given with the agreement of the employing authority.

(3) A pension to which a member is entitled under this regulation becomes payable as soon as the member becomes entitled to it.

(4) Subject to paragraph (6), the amount of the annual pension payable under this regulation (disregarding any additional pension) is given by the formula–

$$\frac{RP}{60} \times \frac{LPS}{365}$$

where–

RP is the member's reckonable pay; and

LPS is the length of the member's pensionable service, expressed in days.

(5) A claim under paragraph (1)(e)–

(a) must be made in writing to the Scottish Ministers within 6 months of the employment terminating; and

(b) must contain such information as the Scottish Ministers may from time to time require.

(6) If–

(a) the member has received a related payment in respect of the cessation of the employment;

(b) the terms and conditions relating to the employment require that payment to be reduced to take account of the additional contributions the employing authority must make to the Scottish Ministers in accordance with regulation 2.C.6 (contributions by employing authorities: members becoming entitled to pension under regulation 2.D.11); and

(c) that payment has not been so reduced,

the amount of that payment (or, if there is more than one such payment, the aggregate amount of those payments) is deducted from the amount of the pension.

(7) In paragraph (6) "related payment" means–

(a) a redundancy payment under the Employment Rights Act 1996(**1**); or

(b) a corresponding payment under the arrangement of the Whitley Councils for the Health Services of Great Britain.

(8) This regulation does not apply to practice staff.

(**1**) 1996 c. 18.