
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 117

**The National Health Service Superannuation
Scheme (Scotland) Regulations 2011**

PART E

BENEFITS FOR MEMBERS

Early retirement pension (redundancy etc. new starters and post-transition)

E7.—(1) This regulation applies to a member—

- (a) whose pensionable employment is terminated by the member's employing authority; and
- (b) who satisfies the conditions specified in paragraph (2).

(2) Those conditions are that—

- (a) the member has 2 years' qualifying service and has attained normal minimum pension age or, where relevant, protected pension age;
- (b) the member's employing authority certifies that the member has at least 2 years' continuous employment determined in accordance with any terms and conditions applying to that employment;
- (c) the member's employing authority does not certify that the member has unreasonably refused to seek suitable alternative employment or accept an offer of such employment;
- (d) the Scottish Ministers certify—
 - (i) that the member's employment is terminated by reason of redundancy, or
 - (ii) with the agreement of the employing authority, that the member's employment is terminated in the interests of the efficiency of the service in which the member is employed; and

(e) the member makes a claim for the pension referred to in this regulation.

(3) A claim referred to in paragraph (2)(e) must—

- (a) be in writing and addressed to the Scottish Ministers;
- (b) be made within 6 months of the employment being terminated; and
- (c) contain such information as the Scottish Ministers may require.

(4) A person who satisfies the conditions in paragraph (2) is entitled to a pension calculated as described in regulation E1.

(5) Where—

- (a) a person who claims a pension under this regulation has received—
 - (i) a redundancy payment under the Employment Rights Act 1996⁽¹⁾; or

⁽¹⁾ 1996 c.18.

- (ii) a corresponding payment under the arrangements of the Whitley Councils for the Health Services of Great Britain; or
 - (iii) a payment made by virtue of any arrangement made pursuant to paragraph 20(2) of Schedule 7A to the National Health Service Act 1978 (National Health Service Trusts – general powers)(2),
- in respect of the cessation of the employment; and
- (b) the terms and conditions relevant to the employment require that payment or payments be reduced to take account of the additional contributions the employing authority must make to the Scottish Ministers in accordance with regulation D2(5); but
 - (c) payment or payments have not been so reduced,
- the pension must be reduced by an amount equal to the amount of that payment or those payments and may be reduced to zero.
- (6) This regulation does not apply to—
- (a) practice staff;
 - (b) practitioners;
 - (c) non-GP providers;
 - (d) a member who is providing piloted services under a pilot scheme;
 - (e) a member to whom regulation R11(1)(a) or (b) of these Regulations applies; or
 - (f) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than a Health Board.

(2) 1978 c.29. Schedule 7A was inserted by Schedule 6 to the National Health Service and Community Care Act 1990 (c.19).