SCOTTISH STATUTORY INSTRUMENTS

2011 No. 117

The National Health Service Superannuation Scheme (Scotland) Regulations 2011

PART R

SPECIAL PROVISIONS FOR CERTAIN MEMBERS

Former members of health service schemes

R7.—(1) For the purposes of these Regulations, "health service scheme" means—

(a) a superannuation scheme provided under the regulations made under section 10 of the Superannuation Act 1972(**1**) and for the time being in force in relation to England and Wales, or

(b) a superannuation scheme provided under regulations for the time being in force under Article 12 of the Superannuation (Northern Ireland) Order 1972(**2**) or a scheme made under section 2 of the Superannuation Act 1984 (an Act of Tynwald)(**3**), or

(c) any other occupational pension scheme approved for this purpose by the Scottish Ministers.

(2) A member who leaves employment in respect of which the member qualified for benefit under a health service scheme and who joins this Section of the scheme may, subject to paragraphs (3) and (4), require the Scottish Ministers to credit the member with a period of service (together with the rights attaching to that service) under this Section of the scheme calculated as if—

(a) the employment to which the health service scheme applied were NHS employment, and

(b) the member's contributions to the health service scheme were contributions to this Section of the scheme.

(3) The member may exercise this right only if a transfer payment is made from the health service scheme to this Section of the scheme.

(4) A member who wishes to exercise this right must do so by making application in writing to the Scottish Ministers within 1 year after joining this Section of the scheme.

(5) A member who leaves employment to which a health service scheme applied without becoming entitled to any benefits other than a refund of contributions may buy additional service as described in regulation Q1 (right to buy additional service) and regulations Q3 and Q5(9) will apply, as the case may be, as if the previous service under a health service scheme were previous pensionable service under this Section of this scheme.

(**1**) 1972 c.11; section 10(1)(a) was amended by the National Health Service (Scotland) Act 1972 (c.58), Schedule 7, Part II, and section 10(2A) and (3A) and (6) were inserted and section 10(1) amended by the Pensions (Miscellaneous Provisions) Act 1990 (c.7), sections 4(2) and 8(5).

(**2**) S.I. 1972/1073 (N.I.10).

(**3**) 1984 c.8 (Tynwald).