

## **EXECUTIVE NOTE**

### **THE NATIONAL HEALTH SERVICE SUPERANNUATION SCHEME (SCOTLAND) AMENDMENT REGULATIONS 2011**

#### **SSI 2011/173**

1. The above instrument is made in exercise of the powers conferred by sections 10 and 12 of, and Schedule 3 to, the Superannuation Act 1972. These powers, so far as within devolved competence have been transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750). The instrument is subject to the negative resolution procedure.

2. The instrument makes corrections the recent consolidation of the National Health Service Superannuation Scheme (Scotland) Regulations (1995 section) (S.I. 2011/117)

#### **Policy Objectives**

3. There are no new policy changes in this instrument. The instrument seeks only to correct errors in SSI 2011/117 as follows:

- To amend the definition of “The 2008 Section”;
- To amend reference to “Secretary of State” to “Scottish Ministers” in regulation B1(3);
- To insert the word “or” at the end of sub paragraph (iii) of regulation E6(1)(a); and
- To amend the wording in regulation G16(3) to reflect the correct position of the timescale for purchasing a surviving partner’s pension in respect of service before 6 April 1988. This was for a period of 15 months only (from 28/6/08 to 27/09/09 in line with previous provisions for the same opportunity in respect of widower’s pensions and surviving civil partner pensions.
- To correct the reference to the 1972 Act in the definition of “Common Services Agency”

#### **Sensitivity**

5. If regulation G16(3) is not amended this unintentionally provide a further opportunity for members to purchase survivor pension based on pre 1988 service at half cost. This would incur unanticipated additional costs both to the scheme and in its administration. The other errors are not contentious.

#### **Consultation**

6. As this instrument is for correction purposes only and because of the urgency it has not been the subject of consultation.

## **Financial Implications**

7. Without the amendment being made to regulation G16 (3) this will create the potential additional costs set out in paragraph 5 above. There are no other financial implications for the other amendments made under this instrument.

## **Contact**

8. If you have any queries regarding this instrument, please contact Sharon Liptrott at the Scottish Public Pensions Agency (Tel: 01896 893228 or email: [sharon.liptrott@scotland.gsi.gov.uk](mailto:sharon.liptrott@scotland.gsi.gov.uk))

Sharon Liptrott  
Policy Manager  
Scottish Public Pensions Agency  
1 March 2010