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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 174**

**The National Health Service Superannuation  
Scheme (2008 Section) (Scotland) Regulations 2013**

**PART 3**

**BENEFITS FOR PRACTITIONERS, ETC.**

**CHAPTER 3.G**

**RE-EMPLOYMENT AND REJOINING THE SCHEME**

*Special rules about re-employment of ill health pensioners*

**Re-employed lower tier ill health pensioners**

**3.G.5.—**(1) This regulation applies to re-employed members who are entitled to a lower tier ill health pension under regulation 3.D.7 (early retirement on ill health: active members and non-contributing members) in respect of the earlier service.

(2) For the purposes of determining whether a member can count 45 years of pensionable service for any purpose, the earlier service and the later service are aggregated.

(3) If the re-employed member became entitled to a lower tier ill health pension for the earlier service, and on the termination of the later service the member becomes entitled to—

- (a) a lower tier ill health pension; or
- (b) an upper tier ill health pension,

under regulation 3.D.7 in respect of the later service, the re-employed member is entitled to the benefits set out in paragraph (4).

(4) Subject to paragraph (5), the benefits mentioned in paragraph (3) are—

- (a) the member's original lower tier ill health pension in respect of the member's earlier service; and
- (b) a lower tier ill health pension or, as the case may be, an upper tier ill health pension in respect of the later service.

(5) If the re-employed member—

- (a) ceases to be entitled to a lower tier ill health pension in respect of the earlier service;
- (b) becomes entitled to an upper tier ill health pension in respect of that earlier service in accordance with regulation 3.D.8(3) (re-assessment of entitlement to an ill health pension); and
- (c) on the termination of the later service, the member becomes entitled to a lower tier ill health pension or, as the case may be, an upper tier ill health pension in respect of that later service,

the re-employed member is entitled to the benefits set out in paragraph (6).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (6) The benefits mentioned in paragraph (5) are—
- (a) an upper tier ill health pension paid in accordance with regulation 3.D.8 in respect of the member's earlier service; and
  - (b) a lower tier ill health pension in respect of the member's later service.