
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 95

The National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015

PART 2

Transitional provisions

CHAPTER 3

Membership status and breaks in service

Disqualifying breaks in service

- 10.**—(1) Paragraph (3) applies to a member with pensionable service in the old scheme who—
- (a) on 1st April 2015—
 - (i) is on a break in NHS employment; or
 - (ii) has opted out of the old scheme pursuant to—
 - (aa) regulation B4 of the 2011 Regulations; or
 - (bb) regulation 2.B.6 or 3.B.6 of the 2013 Regulations;
 - (b) was not—
 - (i) entitled to a preserved pension under regulation E12 of the 2011 Regulations; or
 - (ii) a deferred member of the 2008 Section in respect of that service, when that service ceased; and
 - (c) subsequently becomes an active member of the new scheme.
- (2) Paragraph (4) applies to a member with pensionable service in the old scheme who—
- (a) subsequently becomes an active member of the new scheme;
 - (b) has a break in pensionable service in the new scheme commencing on or after 2nd April 2015; and
 - (c) is not qualified for retirement benefits pursuant to regulation 71 of the 2015 Regulations on ceasing pensionable service in the new scheme.
- (3) Where a member's break between pensionable service in the old scheme and pensionable service in the new scheme is less than one year—
- (a) the contributions in respect of old scheme service are not refundable to the member under—
 - (i) regulation E15 of the 2011 Regulations; or
 - (ii) regulation 2.C.18 or 3.C.16 of the 2013 Regulations; and

- (b) if a refund under those regulations was paid in respect of the member's old scheme service during the break, the member may repay that refund (including any interest on those contributions which was paid to the member) under—
 - (i) regulation L1(5) of the 2011 Regulations; or
 - (ii) regulation 2.A.5(9) or 3.A.4(9) of the 2013 Regulations, within six months of joining the new scheme.
- (4) Where a member's break in pensionable service in the new scheme is five years or less—
 - (a) the contributions in respect of old scheme service are not repayable to the member under—
 - (i) regulation L2 of the 2011 Regulations; or
 - (ii) regulation 2.C.18 or 3.C.16 of the 2013 Regulations; and
 - (b) if a refund under those regulations was paid in respect of the member's old scheme service during the break, the member may repay that refund (including any interest on those contributions which was paid to the member) under—
 - (i) regulation L1(5) of the 2011 Regulations; or
 - (ii) regulation 2.A.5(9) or 3.A.4(9) of the 2013 Regulations, within six months of joining the new scheme.