
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 433

**The National Health Service Pension Scheme (Scotland)
(Miscellaneous Amendments) (No. 2) Regulations 2017**

PART 3

**Amendment of the National Health Service Pension Scheme
(Transitional and Consequential Provisions) (Scotland) Regulations 2015**

General

15. The National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015(1) are amended in accordance with regulations 16 to 18.

Amendment of regulation 18

16.—(1) Regulation 18 (uprating of old scheme practitioner earnings) is amended as follows.

(2) The existing words from “In relation to” to “31 March 2015” become regulation 18(1).

(3) For “In relation to” substitute “Subject to paragraphs (2) and (3), in relation to”.

(4) At the end, insert—

“(2) Paragraph (3) applies if a practitioner transition member is purchasing additional service pursuant to regulation 22 (existing additional service and unreduced lump sum contracts) of these Regulations.

(3) Paragraph (1) does not apply for the purposes of calculating that member’s uprated pensionable earnings in relation to that purchase for the purposes of sub-paragraph (5) of paragraph 26 (right to buy additional benefits) of schedule 1 of the 2011 Regulations.”.

Amendment of regulation 28

17. After paragraph (6) of regulation 28 (ill-health benefits: members below old scheme normal pension age), insert—

“(6A) Paragraphs (6B) and (6C) apply if a member receiving an ill-health pension under this regulation dies before reaching the old scheme normal pension age.

(6B) If a surviving adult dependant of the member is entitled to a pension in accordance with regulation 115 (amount of pension: survivor of pensioner member) of the 2015 Regulations the annual rate of the adult survivor pension payable under paragraph (4)(a) of that regulation is the sum of—

(a) 33.75% of the pension to which the member was entitled at the date of death (disregarding any additional pension) under the new scheme; and

(b) if the member—

- (i) was an active member of the 1995 Section before becoming an active member of the new scheme, 16.25% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation; or
- (ii) was an active member of the 2008 Section before becoming an active member of the new scheme, 3.75% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation.

(6C) If a child's pension becomes payable in respect of an eligible child of the member in accordance with regulation 123 (amount of child pension: deceased pensioner member) of the 2015 Regulations the basic death pension for the purposes of paragraph (3)(a) of that regulation is the sum of—

- (a) 67.5% of the deceased member's annual pension (disregarding any additional pension) under the new scheme; and
- (b) if the member—
 - (i) was an active member of the 1995 Section before becoming an active member of the new scheme, 32.5% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation; or
 - (ii) was an active member of the 2008 Section before becoming an active member of the new scheme, 7.5% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation.”.

Amendment of regulation 38

18. In the left hand column of Part 2 of the table in regulation 38 (death in service), after the heading “Entitlements derived from the 2008 section”, for “a lump sum on death under regulation 2.E.17 or 3.E.17” substitute “a lump sum on death under regulation 2.E.17(1) or 3.E.17(1)”.