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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 434**

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

**PART 3**

**Amendment of the National Health Service Superannuation  
Scheme (2008 Section) (Scotland) Regulations 2013**

**General**

**7.** The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013(1) are amended in accordance with regulations 8 to 18.

**Amendment of regulation 2.A.1**

**8.** In regulation 2.A.1 (interpretation of Part 2: general) at the appropriate place in the alphabetical order insert—

““the 2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014(2)

**Amendment of regulation 2.B.3**

**9.—(1)** Regulation 2.B.3 (restrictions on eligibility: general) is amended as follows.

(2) In sub-paragraph (b) of paragraph (1H)—

- (a) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”; and
- (b) for “that section” substitute “those sections”.

(3) In paragraph (1J) —

- (a) in sub-paragraph (a), after “2013 Act” insert “or Schedule 5 to the 2014 Act”; and
- (b) in sub-paragraph (c)—
  - (i) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”; and
  - (ii) for “that section” substitute “those sections”.

**Amendment of regulation 2.C.2**

**10.** In regulation 2.C.2 (contribution rate for members other than non-GP providers), in paragraph (2)—

- (a) after sub-paragraph (c), insert—

“;

- (d) for the scheme year 2018-19 is the percentage specified in column 2 of table 4 in respect of the corresponding pensionable pay band specified in column 1 of that table into which the member’s pensionable pay falls”; and
- (b) after table 3, insert—

**“Table 4**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable pay band</i>	<i>Contribution percentage rate</i>
Up to £16,928	5.2%
£16,929 to £22,439	5.8%
£22,440 to £27,910	7.3%
£27,911 to £51,481	9.5%
£51,482 to £73,498	12.7%
£73,499 to £114,760	13.7%
£114,761 to any higher amount	14.7%”

### **Amendment of regulation 2.C.3**

**11.** In regulation 2.C.3 (determination of pensionable pay for the purposes of setting a contribution rate for members other than non-GP providers), in each of paragraphs (16), (17)(a) and (21)(b), for “table 3” substitute “table 4”.

### **Amendment of regulation 2.F.9**

**12.—**(1) Regulation 2.F.9 (procedure for applications under regulation 2.F.8) is amended as follows.

(2) In sub-paragraph (c)(ii) of paragraph (1), after “transfer value payment will be made;” insert “or”.

(3) After sub-paragraph (c)(ii) of paragraph (1), insert—

“(iii) where the applicant is not eligible to be an active member of this Section of the scheme and the application is made in respect of a period of service in an existing scheme (within the meaning of Schedule 5 to the 2013 Act or Schedule 5 to the 2014 Act) or an existing public body scheme listed in Schedule 10 to those Acts, during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of the 2015 Scheme if—

(aa) paragraph 2 of Schedule 7 to the 2013 Act or paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which that transfer value payment will be made; and

(bb) the transfer value payment is not made and accepted under the public sector transfer arrangements.”.

### **Amendment of regulation 2.F.18**

**13.—**(1) Regulation 2.F.18 (right to transfer a deferred pension to the 2015 Scheme) is amended as follows.

(2) After paragraph (5), insert—

“(5A) The Scottish Ministers must provide a member to whom this regulation applies with a notice in writing stating that the member has the right to request a statement of the amount of the cash equivalent of the member’s benefits accrued in accordance with these Regulations (“a statement of entitlement”).

(5B) The Scottish Ministers must provide the member with the notice referred to in paragraph (5A) within the period of three months beginning with the date on which the Scottish Ministers receive notification from the member’s employing authority that the member has joined the 2015 Scheme.

(5C) In accordance with paragraph (5D), a member who has received a notice provided in accordance with paragraph (5A) may request the Scottish Ministers to provide a statement of entitlement.

(5D) For the purposes of paragraph (5C), a request for a statement of entitlement must—

- (a) be made by the member in writing on the form provided by the Scottish Ministers for that purpose;
- (b) be received by the Scottish Ministers before the end of the three month period beginning with the date of the notice under paragraph (5A).”.

(3) For paragraph (6), substitute—

“(6) The Scottish Ministers must provide a member who has requested a statement of entitlement in accordance with paragraph (5D) with a statement of entitlement at the guarantee date.”.

(4) For sub-paragraph (a) of paragraph (9), substitute—

“(a) the period of three months beginning with the date on which the Scottish Ministers receive the member’s request for a statement of entitlement made in accordance with paragraph (5D); or”.

### **Amendment of regulation 3.A.1**

**14.** In regulation 3.A.1 (interpretation of Part 3: general) at the appropriate place in the alphabetical order, insert—

““the 2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014.”

### **Amendment of regulation 3.A.11**

**15.** In paragraphs (1) and (2) of regulation 3.A.11 (meaning of pensionable earnings in relation to other practitioners), omit “or for overtime”.

### **Amendment of regulation 3.B.3**

**16.—**(1) Regulation 3.B.3 (restrictions on eligibility: general) is amended as follows.

(2) In sub-paragraph (b) of paragraph (1H)—

- (a) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”; and
- (b) for “that section” substitute “those sections”.

(3) In paragraph (1J)—

- (a) in sub-paragraph (a), after “2013 Act” insert “or Schedule 5 to the 2014 Act”; and
- (b) in sub-paragraph (c)—
  - (i) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”; and

(ii) for “that section” substitute “those sections”.

### **Amendment of regulation 3.C.2**

**17.** In regulation 3.C.2 (members’ contribution rate), in paragraph (13)—

(a) after sub-paragraph (d), insert—

“;

(e) in respect of the 2018-19 scheme year, table 5”; and

(b) after table 4, insert—

**“Table 5**

**Scheme Year 2018-19**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £16,928	5.2%
£16,929 to £22,439	5.8%
£22,440 to £27,910	7.3%
£27,911 to £51,481	9.5%
£51,482 to £73,498	12.7%
£73,499 to £114,760	13.7%
£114,761 to any higher amount	14.7%”

### **Amendment of regulation 3.F.18**

**18.**—(1) Regulation 3.F.18 (right to transfer a deferred pension to the 2015 Scheme) is amended as follows.

(2) After paragraph (5), insert—

“(5A) The Scottish Ministers must provide a member to whom this regulation applies with a notice in writing stating that the member has the right to request a statement of the amount of the cash equivalent of the member’s benefits accrued in accordance with these Regulations (“a statement of entitlement”).

(5B) The Scottish Ministers must provide the member with the notice referred to in paragraph (5A) within the period of three months beginning with the date on which the Scottish Ministers receive notification from the member’s employing authority that the member has joined the 2015 Scheme.

(5C) In accordance with paragraph (5D), a member who has received a notice provided in accordance with paragraph (5A) may request the Scottish Ministers to provide a statement of entitlement.

(5D) For the purposes of paragraph (5C), a request for a statement of entitlement must—

(a) be made by the member in writing on the form provided by the Scottish Ministers for that purpose;

- (b) be received by the Scottish Ministers before the end of the three month period beginning with the date of the notice under paragraph (5A).”.
- (3) For paragraph (6), substitute—
  - “(6) The Scottish Ministers must provide a member who has requested a statement of entitlement in accordance with paragraph (5D) with a statement of entitlement at the guarantee date.”.
- (4) For sub-paragraph (a) of paragraph (9), substitute—
  - “(a) the period of three months beginning with the date on which the Scottish Ministers receive the member’s request for a statement of entitlement made in accordance with paragraph (5D); or”.