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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2015 No.**

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

**PART 2**

**Modification of contracting-out provisions**

**Application of this Part**

- 3.** This Part applies where—
- (a) an election is made under section 11 (elections as to employments covered by contracting-out certificates) of the 1993 Act(1) in relation to persons who become members of the new scheme on or after 1st April 2015 and before 6th April 2016 (whether or not any of those persons are members of the old scheme); and
  - (b) the new scheme satisfies the requirements of section 9 (requirements for certification of schemes) of the 1993 Act(2).

**Contracting-out**

**4.—(1)** Part 2 of the Occupational Pension Schemes (Contracting-out) Regulations 1996(3) (certification of employments) is modified as follows in its application to the new scheme.

(2) The requirements in regulation 2(1)(a) (making of elections for the issue of contracting-out certificates) and regulations 3 (notices by employers of intended election) to 5 (time for making an election) do not apply.

- (3) In regulation 6 (information to be included in an election)—
- (a) paragraph (1) is to be read as though, for sub-paragraphs (a) to (f), there were substituted—
    - “(a) the name by which the new scheme is to be known;
    - (b) the name by which the old scheme is known; and
    - (c) any other information necessary to enable the Commissioners for Her Majesty’s Revenue and Customs to identify the old scheme;”;
  - (b) paragraphs (2) and (3) do not apply.

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(1) Section 11 was amended by section 1(1) of, and Schedule 1 to, the Social Security Contributions (Transfer of Functions etc.) Act 1999 and by section 1(2)(a) of the Employment Rights (Dispute Resolution) Act 1998 (c.8). It is prospectively repealed by paragraph 9 of Schedule 13 to the Pensions Act 2014 (c.19).

(2) Section 9 was amended by sections 136(3) and 151 of, and Schedule 5 to, the Pensions Act 1995 (c.26), by section 1(1) of, and Schedule 1 to, the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c.2), by section 283 of the Pensions Act 2004 (c.35), by sections 14(4), 15(3) and 27(2) of, and Schedules 4 and 7 to, the Pensions Act 2007 (c.22) and by S.I. 2006/745. It is prospectively repealed by section 24 of, and paragraph 9 of Schedule 13 to the Pensions Act 2014 (c.19).

(3) S.I. 1996/1172. Part 2 was amended by section 1(2) of, and Schedule 2 to, the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c.2), by section 1(2)(a) of the Employment Rights (Dispute Resolution) Act 1998 (c.8) and by S.I. 1997/786, S.I. 2002/681, S.I. 2005/3377, S.I. 2011/1245, S.I. 2011/1246, and S.I. 2013/2734.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish  
Statutory Instrument: The National Health Service Pension Scheme (Scotland) Regulations 2015 No. 94

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