

## EXECUTIVE NOTE

### THE NATIONAL HEALTH SERVICE SUPERANNUATION SCHEME (SCOTLAND) REGULATIONS 2011 SSI 2011/117

1. The above instrument is made in exercise of the powers conferred by sections 10 and 12 of, and Schedule 3 to, the Superannuation Act 1972. These powers, so far as within devolved competence have been transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750). The instrument is subject to the negative resolution procedure.

2. The instrument is a **simple consolidation** of the National Health Service Superannuation Scheme (Scotland) Regulations 1995 (S.I. 1995/365 “the 1995 Section of the scheme”) and the amending regulations to date. The 1995 section of the scheme applies only to those who were in NHS employment before 1 April 2008 or who return to NHS employment within 5 years of leaving. The scheme rules for members who joined the scheme from 1 April 2008 are set out in separate regulations (The National Health Service Pension Scheme (Scotland) Regulations SSI 2008/224 known as the 2008 section) which will be consolidated at a later date.

#### Policy Objectives

3. There are no new policy changes in this instrument. The instrument seeks only to consolidate the above regulations and the 22 amending instruments. Changes have only been made where necessary (i.e. renumbering) to ensure that the regulations read correctly, the regulations have been updated to reflect the Scotland Act (i.e. references to “Secretary of State” have been replaced with “Scottish Ministers”) and the text has been gender neutralised. Due to the many changes since the original regulations in 1995 there is an urgent need to consolidate so that when administrators and employers refer to the regulations they are easily readable and clear.

4. Tracked copies of the regulations showing where the changes have occurred and a table of the derivation and destination in the amending regulations are attached.

#### Sensitivity

5. The instrument is not contentious.

#### Consultation

6. The instrument has been the subject of consultation with representatives of NHS employers and employees, other Scottish Government interests and UK Government departments and has incorporated any suggested changes which were appropriate.

## **Financial Implications**

7. No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen. There may be some administrative costs where there is a need to change references in scheme literature and forms and this will be taken from the SPPA's administrative budget. Any administrative costs are likely to be more than set off by efficiency gains of having a consolidated version of the regulations.

## **Contact**

8. If you have any queries regarding this instrument, please contact Sharon Liptrott at the Scottish Public Pensions Agency  
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