
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 174

The National Health Service Superannuation
Scheme (2008 Section) (Scotland) Regulations 2013

PART 4

BENEFITS IN CASES OF MIXED SERVICE

CHAPTER 4.D

GENERAL MODIFICATIONS

Year service limit

Pensionable service limit

4.D.1.—(1) Subject to paragraph (3), in determining whether or not a member has reached 45 years of pensionable service for the purposes of regulation 2.A.3 (meaning of “pensionable service”), the amount of pensionable service accrued under Part 3 is included in the aggregate calculated under paragraph (1) of that regulation.

(2) Subject to paragraph (3), in determining whether or not a member has reached 45 years of pensionable service for the purposes of regulation 3.A.3 (meaning of “pensionable service”), the amount of pensionable service accrued under Part 2 is included in the aggregate calculated under paragraph (1) of that regulation.

(3) Where a person is concurrently in officer service and practitioner service in any year, that year counts as a single year for the purpose of calculating 45 years pensionable service.

(4) Where the aggregate of pensionable service under Part 2 and Part 3 is in excess of 45 years—

- (a) benefits under each of Part 2 and Part 3 are calculated by reference to such number of years as the Scottish Ministers determine;
- (b) the aggregate of pensionable service under Part 2 and Part 3 determined in subparagraph (a) is 45 years; and
- (c) the Scottish Ministers must select the years by reference to which the benefits under each Part are to be calculated, selecting the years which produce the most favourable result to the member.

(5) Where a member is also a member of the part of the National Health Service superannuation scheme for Scotland, the rules of which are set out in the National Health Service Superannuation Scheme (Scotland) Regulations 2011(1), (“the 1995 Section”) any reference in this Part to “45 years” must be taken to be a reference to a shorter period determined by the formula—

$$SP = \text{years} - LPS$$

where—

(1) S.S.I. 2011/117, amended by S.S.I. 2011/173 and 364 and 2012/69 and 163.

SP is the shorter period, measured in years and days; and

LPS is the length of pensionable service (within the meaning of the National Health Service Superannuation Scheme (Scotland) Regulations 2011), measured in years and days, giving rise to membership of the 1995 Section and, in the case of a member of that Section of the scheme who has become entitled to a pension (including a preserved pension) under that Section of the scheme, including any period that was taken into account for the purpose of determining whether the member was entitled to that pension, or for the purpose of calculating the amount of that pension.

Applications, claims and notices

Applications, claims and notices

4.D.2. An application or claim made or a notice given for the purposes of a regulation listed in column 1 of the following table must be treated as an application or claim made or notice given for the purposes of the corresponding regulation in column 2 (and vice versa).

Table

<i>Column 1</i> <i>Regulation in Part 2</i>	<i>Column 2</i> <i>Regulation in Part 3</i>
2.D.1 (normal retirement pensions)	3.D.1
2.D.8 (early retirement on ill health: active and non-contributing members)	3.D.7
2.D.10 (early retirement on ill health: deferred members)	3.D.9
2.D.14 (general option to exchange part of pension for lump sum)	3.D.10
2.D.15 (option for members in serious ill health to exchange pension)	3.D.11
2.D.17 (election to allocate pension)	3.D.13
2.E.2 (meaning of “surviving nominated partner”)	3.E.2
2.E.22 (payment of lump sums or pension on death)	3.E.22
2.F.2 (applications for statements of entitlement)	3.F.2
2.F.3 (applications for transfer value payments: general)	3.F.3

Abatement

Reduction of pension

4.D.3.—(1) The pension payable under Part 3 is reduced in accordance with Chapter 3.H (abatement) but with the following modifications—

- (a) relevant income includes the enhancement amount determined under regulation 2.H.4(2) (meaning of “relevant income”); and
- (b) the member’s previous earnings in respect of the member’s practitioner service are increased by the amount of the member’s previous pay in respect of the member’s officer service.

(2) Where the reduction applied under the modified Part 3 is not the full amount of the excess determined under that modified Part, such part of the excess as has not given rise to a reduction in the old service pension in Part 3 is the excess for the purposes of regulation 2.H.3(3) (reduction of pension).