
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 94

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

PART 5

Members' benefits

CHAPTER 3

Early and premature retirement

Early retirement

78.—(1) A member (M) is entitled to payment of a reduced pension (an early retirement pension) from the entitlement day if M—

- (a) has reached normal minimum pension age but has not reached normal pension age;
- (b) is qualified for retirement pension benefits;
- (c) has ceased all NHS employment; and
- (d) has applied under paragraph 4 of Schedule 3 for payment of an early retirement pension.

(2) M is not entitled to payment of an early retirement pension if the scheme manager, after consultation with the scheme actuary, decides that the amount of the pension would be less than the amount of the guaranteed minimum pension (if any) to which M is entitled.

(3) An early retirement pension is payable for life.

(4) Part 3 of Schedule 11 has effect in respect of the calculation of the amount of an early retirement pension.

Entitlement day

79.—(1) The entitlement day for the purposes of an early retirement pension is—

- (a) in the case of a deferred member, the date specified in the claim as the date on which the pension is to become payable;
- (b) in the case of an active member, the day immediately following the day on which M ceased to be employed in NHS employment.

(2) If regulation 97 applies to M, for the purposes of M's entitlement to a pension in respect of old employment (within the meaning of regulation 100(3)) a reference in this regulation to M ceasing to be in NHS employment must be treated as a reference to M ceasing to be in the old employment.

Premature retirement in the interests of efficiency

80.—(1) A relevant member (M) is entitled to payment of a premature retirement pension from the entitlement day if—

- (a) M has reached normal minimum pension age but has not reached normal pension age;
 - (b) M is qualified for retirement pension benefits;
 - (c) M's pensionable service has been terminated by M's employer in the interests of the efficient discharge of the functions of M's employing authority;
 - (d) M's employing authority gives written notice to the scheme manager pursuant to paragraph (2);
 - (e) the scheme manager certifies that M's employment is terminated in the interests of the efficient discharge of the employing authority's functions;
 - (f) M has ceased to be employed in NHS employment; and
 - (g) not later than 6 months after M's employment is terminated, M applies under paragraph 4 of Schedule 3 for payment of a premature retirement pension.
- (2) The notice must state that—
- (a) M's pensionable service was terminated in the interests of the efficient discharge of the employing authority's functions;
 - (b) M has at least 2 years' continuous employment determined in accordance with any terms and conditions applying to the employment;
 - (c) the employing authority agrees that a premature retirement pension should become payable to M; and
 - (d) M has not unreasonably refused—
 - (i) to seek suitable alternative employment, or
 - (ii) to accept an offer of such employment.
- (3) A certificate under paragraph (1)(e) may be given only with the agreement of M's employing authority.
- (4) A premature retirement pension is payable for life.
- (5) A relevant member is a member who is not—
- (a) a practitioner;
 - (b) a non-GP provider; or
 - (c) practice staff.
- (6) Part 4 of Schedule 11 has effect in respect of the calculation of the amount of a premature retirement pension.

Premature retirement on grounds of redundancy

81.—(1) A relevant member (M) is entitled to payment of a premature retirement pension from the entitlement day if—

- (a) M has reached normal minimum pension age but has not reached normal pension age;
- (b) M is qualified for retirement pension benefits;
- (c) M's pensionable service has been terminated by M's employing authority by reason of M's redundancy;
- (d) M's employing authority gives written notice to the scheme manager pursuant to paragraph (2);
- (e) the scheme manager certifies that M's employment is terminated by reason of redundancy;
- (f) M has ceased to be employed in NHS employment; and

- (g) not later than 6 months after M's employment is terminated, M applies under paragraph 4 of Schedule 3 for payment of a premature retirement pension.
- (2) The notice must state that—
 - (a) M's pensionable service was terminated by reason of M's redundancy;
 - (b) M has at least 2 years continuous employment determined in accordance with any terms and conditions applying to the employment;
 - (c) the employing authority agrees that a premature retirement pension should become payable to M;
 - (d) M has not unreasonable refused—
 - (i) to seek suitable alternative employment, or
 - (ii) to accept an offer of such employment; and
 - (e) M is entitled to claim a pension under this regulation as an alternative to receiving (in whole or in part) the lump sum payment otherwise payable to M in accordance with those terms and conditions.
- (3) A certificate under paragraph (1)(e) may be given only with the agreement of M's employing authority.
- (4) A premature retirement pension is payable for life.
- (5) M is not entitled to payment of an early retirement pension if the scheme manager, after consultation with the scheme actuary, decides that the amount of the pension would be less than the amount of the guaranteed minimum pension to which M is entitled.
- (6) A relevant member is a member who is not—
 - (a) a practitioner;
 - (b) a non-GP provider; or
 - (c) practice staff.
- (7) Part 4 of Schedule 11 has effect in respect of the calculation of the amount of a premature retirement pension.

Premature retirement entitlement day

82. The entitlement day for a premature retirement pension is the day immediately following the day on which M ceased to be employed in NHS employment