
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 95

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

PART 1

Introductory

Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015;
- (b) come into force on 1st April 2015; and
- (c) extend to Scotland.

Interpretation

2. In these Regulations—

- “1995 officer transition member” means a person who is an officer transition member by virtue of having pensionable service in the 1995 Section;
- “1995 Section” means the Section of the National Health Service Pension Scheme for Scotland set out in the 2011 Regulations;
- “2008 officer transition member” means a person who is an officer transition member by virtue of having pensionable service in the 2008 Section;
- “2008 Section” means the Section of the National Health Service Pension Scheme for Scotland set out in the 2013 Regulations;
- “2011 Regulations” means the National Health Service Superannuation Scheme (Scotland) Regulations 2011⁽¹⁾;
- “2013 Act” means the Public Service Pensions Act 2013;
- “2013 Regulations” means the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013⁽²⁾;
- “2015 Regulations” means the National Health Service Pension Scheme (Scotland) Regulations 2015⁽³⁾;
- “new scheme” means the scheme set out in the 2015 Regulations;
- “NHS employment”, in relation to the old scheme and the new scheme, has the meaning given in the respective Regulations;

(1) S.S.I. 2011/117.
(2) S.S.I. 2013/174.
(3) S.S.I. 2015/94.

“officer transition member” means a person who is both a member of—

- (a) the old scheme by virtue of having pensionable service in that scheme to which paragraph 1(2)(i) and (ii) or paragraph 2(2)(i) and (ii) of Schedule 7 (final salary link) to the 2013 Act applies; and
- (b) the new scheme by virtue of having pensionable service in that scheme that would have been treated as officer service for the purposes of the old scheme had it been service in the old scheme;

“old scheme” means the National Health Service Pension Scheme for Scotland as set out in the 2011 Regulations and the 2013 Regulations;

“practitioner transition member” means a person—

- (a) who is both a member of—
 - (i) the old scheme by virtue of having pensionable service to which Schedule 1 to the 2011 Regulations or Part 3 of the 2013 Regulations applies;
 - (ii) the new scheme by virtue of having pensionable service in that scheme that would have been treated as practitioner service for the purposes of the old scheme had it been service in the old scheme; and
- (b) whose pensionable service for the old scheme and pensionable service for the new scheme are continuous, where—
 - (i) paragraphs 3 and 4 of Schedule 7 to the 2013 Act (continuity of employment etc.) apply as they apply for the purposes of paragraphs 1(2) and 2(2) of that Schedule; and
 - (ii) the person’s pensionable service for the old scheme and pensionable service for the new scheme are not continuous if scheme regulations made pursuant to section 8A(4)(b) of the Pensions (Increase) Act 1971(4) (references to “service”: relevant old scheme pension in payment) apply to the person;

“transition member” means a person who is either an officer transition member or a practitioner transition member.

(4) 1971 c. 56. Section 8A was inserted by paragraph 4 of Schedule 8 to the 2013 Act.