
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 102

**The National Health Service Superannuation
and Pension Schemes (Miscellaneous
Amendments) (Scotland) Regulations 2021**

PART 3

**Amendment of the National Health Service Superannuation
Scheme (2008 Section) (Scotland) Regulations 2013**

General

29. The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013⁽¹⁾ are amended in accordance with regulations 30 to 44.

Amendment of regulation 2.C.2

30. In regulation 2.C.2 (contribution rate for members other than non-GP providers), in paragraph (2)—

(a) after “falls” in sub-paragraph (f), insert—

“(g) for the scheme year 2021-22 is the percentage specified in column 2 of table 7 in respect of the corresponding pensionable pay band specified in column 1 of that table into which the member’s pensionable pay falls.”, and

(b) after table 6⁽²⁾, insert—

“Table 7

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable pay band</i>	<i>Contribution percentage rate</i>
Up to £20,605	5.2%
£20,606 - £24,972	5.8%
£24,973 - £31,648	7.3%
£31,649 - £64,094	9.5%
£64,095 - £89,731	12.7%
£89,732 - £119,560	13.7%

(1) [S.S.I. 2013/174](#). Relevant amending instruments are [S.S.I. 2015/95](#), [S.S.I. 2015/96](#), [S.S.I. 2016/98](#), [S.S.I. 2017/27](#), [S.S.I. 2017/434](#), [S.S.I. 2019/46](#) and [S.S.I. 2020/30](#).

(2) Table 6 was inserted by [S.S.I. 2020/30](#).

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable pay band</i>	<i>Contribution percentage rate</i>
£119,561 to any higher amount	14.7%”

Amendment of regulation 2.C.3

31. In regulation 2.C.3 (determination of pensionable pay for the purposes of setting a contribution rate for members other than non-GP providers), in each of paragraphs (16), (17)(a) and 21(b), for “table 6” substitute “table 7”.

Amendment of regulation 2.E.1

32. In regulation 2.E.1 (surviving dependant adult’s pension), in paragraph (2), for “nominated partner” substitute “scheme partner”.

Amendment of regulation 2.E.2

33. For regulation 2.E.2 (meaning of “surviving nominated partner”) substitute—

“Meaning of “surviving scheme partner”

2.E.2. In this Part, a person (“P”) is a “surviving scheme partner” if the Scottish Ministers are satisfied that for a continuous period of at least two years, ending with the member’s death—

- (a) the member and P were living together as if they were husband and wife or civil partners,
- (b) the member and P were not prevented from marrying or entering into a civil partnership,
- (c) the member and P were financially interdependent or P was financially dependent on the member, and
- (d) neither the member nor P were living with a third person as if they were husband and wife or as if they were civil partners.”.

Amendment of regulation 2.E.9

34. In regulation 2.E.9 (meaning of “dependent child”), in paragraph (2)—

- (a) in sub-paragraph (d)—
 - (i) for “regulation 2.E.2(1)(b)(i)” substitute “regulation 2.E.2(a) and (b)”,
 - (ii) for each reference to “nominated partner” substitute “scheme partner”,
- (b) in sub-paragraph (e) for “nominated partner” substitute “scheme partner”,
- (c) in sub-paragraph (f) for “nominated partner” substitute “scheme partner”.

Amendment of regulation 2.J.8

35.—(1) Regulation 2.J.8 (forfeiture of rights to benefits) is amended as follows.

- (2) In paragraph (5), in sub-paragraph (a) for “nominated partner” substitute “scheme partner”.

Amendment of regulation 2.K.20

36. In regulation 2.K.20 (nominations and notices accepted by the Scottish Ministers under the 2011 Regulations to apply under Chapter 2.E), in paragraph (2) omit sub-paragraph (c).

Amendment of regulation 2.L.2

37. In regulation 2.L.2 (nominations and notices accepted by the Scottish Ministers under the 2011 Regulations to apply under Chapter 2.E), in paragraph (2) omit sub-paragraph (c).

Amendment of regulation 3.C.2

38. In regulation 3.C.2 (members' contribution rate), in paragraph (13)(3)—

(a) after sub-paragraph (g), insert—

“(h) in respect of the 2021-22 scheme year, table 8”, and

(b) after table 7, insert—

“Table 8: Scheme Year 2021-22

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £20,605	5.2%
£20,606 - £24,972	5.8%
£24,973 - £31,648	7.3%
£31,649 - £64,094	9.5%
£64,095 - £89,731	12.7%
£89,732 - £119,560	13.7%
£119,561 to any higher amount	14.7%

Amendment of regulation 3.E.1

39. In regulation 3.E.1 (surviving dependent adult's pension), in paragraph (2) for “nominated partner” substitute “scheme partner”.

Amendment of regulation 3.E.2

40. For regulation 3.E.2 (meaning of “surviving nominated partner”) substitute—

“Meaning of “surviving scheme partner”

3.E.2. In this Part, a person (“P”) is a “surviving scheme partner” if the Scottish Ministers are satisfied that for a continuous period of at least two years, ending with the member's death—

(a) the member and P were living together as if they were husband and wife or civil partners,

(3) Paragraph (13) was substituted by [S.S.I. 2015/96](#) and was last amended by [S.S.I. 2020/30](#).

- (b) the member and P were not prevented from marrying or entering into a civil partnership,
- (c) the member and P were financially interdependent or P was financially dependent on the member, and
- (d) neither the member nor P were living with a third person as if they were husband and wife or as if they were civil partners.”.

Amendment of regulation 3.E.9

41. In regulation 3.E.9 (meaning of “dependent child”), in paragraph (2)—

- (a) in sub-paragraph (d)—
 - (i) for “regulation 3.E.2(1)(b)(i)” substitute “regulation 3.E.2(a) and (b)”,
 - (ii) for each reference to “nominated partner” substitute “scheme partner”,
- (b) in sub-paragraph (e) for “nominated partner” substitute “scheme partner”,
- (c) in sub-paragraph (f) for “nominated partner” substitute “scheme partner”.

Amendment of regulation 3.J.8

42.—(1) Regulation 3.J.8 (forfeiture of rights to benefits) is amended as follows.

(2) In paragraph (5)(a), for “nominated partner” substitute “surviving scheme partner”.

Amendment of regulation 3.K.19

43. In regulation 3.K.19 (nominations and notices accepted by the Scottish Ministers under the 2011 Regulations to apply under Chapter 3.E), in paragraph (2) omit sub-paragraph (c).

Amendment of regulation 3.L.2

44. In regulation 3.L.2 (nominations and notices accepted by the Scottish Ministers under the 2011 Regulations to apply under Chapter 3.E), in paragraph (2) omit sub-paragraph (c).