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STATUTORY INSTRUMENTS

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**1990 No. 382 (S.39)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Superannuation)  
(Scotland) Amendment Regulations 1990**

<i>Made</i>	- - - -	<i>27th February 1990</i>
<i>Laid before Parliament</i>		<i>8th March 1990</i>
<i>Coming into force</i>	- -	<i>1st April 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 10 and 12 of the Superannuation Act 1972<sup>(1)</sup> and of all other powers enabling him in that behalf, after consulting with such representatives of persons likely to be affected by these Regulations as appear to him to be appropriate, in accordance with section 10(4) of that Act, and with the consent of the Treasury<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the National Health Service (Superannuation) (Scotland) Amendment Regulations 1990.

(2) These Regulations shall come into force on 1st April 1990 and regulation 3 shall have effect from 1st June 1989.

**Interpretation**

2. In these Regulations “the principal Regulations” means the National Health Service (Superannuation) (Scotland) Regulations 1980<sup>(3)</sup>.

**Interpretation of the principal Regulations**

3. In regulation 2 of the principal Regulations (interpretation) for paragraph (6A)<sup>(4)</sup> there shall be substituted the following paragraphs:—

“(6A) Subject to paragraph (6B), in relation to a person who becomes an officer on or after 1st June 1989, where his remuneration, calculated in accordance with the definition

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(1) 1972 c. 11; section 10(1)(a) was amended by Part II of Schedule 7 to the National Health Service (Scotland) Act 1972 (c. 58).

(2) The function was transferred to the Treasury by S.I. 1981/1670.

(3) S.I. 1980/1177, as amended by S.I. 1981/1680, 1983/272, 1988/1956, 1989/807 and 1749.

(4) Paragraph (6A) was inserted by regulation 3 of S.I. 1989/807.

of “remuneration” in regulation 3, regulation 68(2) or regulation 76, as the case may be, and paragraph (6) of this regulation where applicable, exceeds “the permitted maximum” as defined in section 590C of the Income and Corporation Taxes Act 1988<sup>(5)</sup>, the excess over that amount shall not be treated as remuneration for the purposes of these Regulations.

(6B) Paragraph (6A) shall not apply to a person who becomes an officer on or after 1st June 1989 where—

- (a) he is entitled (either under these Regulations or under a health service scheme) to reckon an earlier period of service which includes service prior to that date, and
- (b) either—
  - (i) that earlier period of service becomes reckonable under regulation 23(1) or (1A) or regulation 82(2)(d), or
  - (ii) the break in his service prior to becoming an officer on or after that date was by reason of his secondment or posting to another employer in circumstances where there was at the time of the secondment or posting a definite expectation that he would again become an officer.”.

## Definitions

### 4. In regulation 3 of the principal Regulations—

- (a) in the definition of “assistant practitioner”, after the words “other than” there shall be inserted the words “an associate general practitioner or”;
- (b) after the definition of “assistant practitioner” there shall be inserted the following definition:—

““associate general practitioner” means an employee of a medical practitioner on the list of an Executive Council or Health Board, being himself a medical practitioner, who is employed for the purpose of carrying out general medical services in circumstances where his employer is entitled to claim an allowance under regulation 31(1)(q) of the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974<sup>(6)</sup>”;

- (c) in the definition of “practitioner” after the words “assistant practitioner” there shall be inserted the words “or associate general practitioner” and at the end of the definition there shall be added the words “except that an associate general practitioner whose remuneration is paid by an employing authority as agents for the practitioners who employ him shall be a practitioner”.

## Meaning of “remuneration”

5. In regulation 68(1) and (2) of the principal Regulations after the words “an assistant practitioner” wherever they occur there shall be inserted the words “or an associate general practitioner”.

## Further modifications with respect to assistant practitioners

6.—(1) For the heading to regulation 76 of the principal Regulations there shall be substituted the heading “Further modifications with respect to assistant practitioners and associate general practitioners”.

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(5) 1988 c. 1; section 590C was inserted by the Finance Act 1989 (c. 26), Schedule 6, paragraph 4.

(6) S.I. 1974/506; the relevant amending instruments are S.I. 1975/696, 1982/1279, 1985/1625, 1987/385 and 1989/1990.

(2) In regulation 76 of the principal Regulations after the words “an assistant practitioner” in both places where they occur there shall be inserted the words “or associate general practitioner” and in sub-paragraph (b) for the words “assistant practitioner’s contributions” there shall be substituted the words “assistant practitioner’s or associate general practitioner’s contributions”.

**Continuation of contracts or policies of insurance in certain cases**

7. In regulation 78(1)(c) of the principal Regulations after the words “assistant practitioner” there shall be inserted the words “or an associate general practitioner”.

St. Andrew’s House,  
Edinburgh  
26th February 1990

*Michael B. Forsyth*  
Parliamentary Under Secretary of State, Scottish  
Office

We consent,

27th February 1990

*John M. Taylor*  
*Kenneth Carlisle*  
Two of the Lord Commissioners of Her  
Majesty’s Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (Superannuation) (Scotland) Regulations 1980 (“the principal Regulations”).

The principal changes are as noted below.

- (a) Regulation 3 applies to new members joining the scheme on or after 1st June 1989 and ensures that any remuneration received in excess of the permitted maximum under Inland Revenue rules shall not be treated as remuneration for the purposes of the 1980 Regulations, and accordingly shall not be taken into account in calculating contributions payable and pensions. The regulation also provides for specific exceptions, in certain circumstances, where former members of the scheme resume membership on or after that date. Regulation 3 takes effect from 1st June 1989. Retrospective effect is authorised by section 12(1) of the Superannuation Act 1972.
- (b) Regulation 4 introduces a new definition of “associate general practitioner” and provides for associate general practitioners to be treated in the same manner as assistant practitioners for the purposes of the 1980 Regulations.