
STATUTORY INSTRUMENTS

1997 No. 1916 (S.139)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service Superannuation Scheme
(Scotland) Amendment (No.2) Regulations 1997**

<i>Made</i>	- - - -	<i>25th July 1997</i>
<i>Laid before Parliament</i>		<i>11th August 1997</i>
<i>Coming into force</i>	- -	<i>1st September 1997</i>

The Secretary of State, in exercise of the powers conferred on him by section 10 of, and Schedule 3 to, the Superannuation Act 1972⁽¹⁾, and of all other powers enabling him in that behalf, after consulting 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⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service Superannuation Scheme (Scotland) Amendment (No.2) Regulations 1997 and shall come into force on 1st September 1997.

Amendment of the National Health Service Superannuation Scheme (Scotland) Regulations 1995

2.—(1) The National Health Service Superannuation Scheme (Scotland) Regulations 1995⁽³⁾ shall be amended in accordance with regulations 3 to 7 below.

Interpretation

3. In regulation A2(4)–

(a) after the definition of “the 1980 Regulations” insert the following definition:–

(1) 1972 c. 11. Section 10 was amended by Part II of Schedule 7 to the National Health Service (Scotland) Act 1972 (c. 58) and sections 10(2A), (3A) and (b) and 12(4A) were inserted and sections 10(1) and 12(2) and (4) amended by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), sections 4(2), 8(5) and 10.
(2) The function was transferred to the Treasury by S.I. 1981/1670.
(3) S.I. 1995/365; amended by S.I. 1997/1434.

“the 1978 Act”	The National Health Service (Scotland) Act 1978((4)
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- (b) within the definition of “employing authority”, after paragraph (c) insert the following:–
- “(d) a registered medical practitioner whose name is included in a list kept pursuant to section 20 of the 1978 Act(5) or a partnership of such practitioners in respect of the employment of practice staff to assist in the provision of general medical services in accordance with arrangements under section 19 of the 1978 Act(6);”;
- (c) after the definition of “personal pension scheme” insert the following definition:–

“practice staff”	Persons, other than an assistant, associate or trainee practitioner, employed by a registered medical practitioner whose name is included in a list kept pursuant to section 20 of the 1978 Act or a partnership of such practitioners to assist in the provision of general medical services in accordance with arrangements made under section 19 of the 1978 Act;”.
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Meaning of “pensionable service”

4. After regulation C2(2)(e) insert the following sub-paragraph:–
- “(f) in the case of practice staff any employment or portion of their employment which relates to provision of services other than provision of general medical services in accordance with arrangements made under section 19 of the 1978 Act.”.

Pensionable service in respect of part-time employment

5. After regulation C4(4) insert the following paragraph:–
- “(4A) For the purposes of paragraph (4) “a single comparable whole-time employment” means the number of hours, half days or sessions which the Secretary of State determines would constitute comparable whole-time employment.”.

Early retirement pension (redundancy etc.)

6. After regulation E3(3) insert the following paragraph:–
- “(4) This regulation shall not apply to practice staff.”.

Early retirement pension (employer’s consent)

7. After regulation E4(2) insert the following sub-paragraph:–
- “(3) This regulation shall not apply to practice staff.”.

(4) 1978 c. 29.

(5) Section 20 was amended by paragraph 1(1) of Schedule 6 to the Health Services Act 1980 (c. 53) and partly repealed by Schedule 7 to that Act.

(6) Section 19 was amended by section 7 of the Health Services Act 1980, paragraph 2 of Schedule 7 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), paragraph 17 of Schedule 5 to the Medical Act 1983 (c. 54), section 37 of the National Health Service and Community Care Act 1990 (c. 19) and paragraph 29 of the Schedule to the Medical (Professional Performance) Act 1995 (c. 51).

Amendment of Schedule 1

8. In paragraph 1 of Part I of Schedule 1—

- (a) at the end of the definition of “assistant practitioner” for the words “and for whose employment the consent of the Health Board is required” substitute the words “or who is participating in the Doctors' Retainer Scheme”;
- (b) after the definition of “principal practitioner” there shall be inserted the following definition:—

““Doctors' Retainer Scheme” has the same meaning as given in section 39 of the Statement of Fees and Allowances Paid to General Medical Practitioners in Scotland prepared under regulation 31 of the National Health Service (General Medical Services) (Scotland) Regulations 1995((7)

St Andrew's House,
Edinburgh
21st July 1997

Brian Wilson
Minister of State, Scottish Office

We consent,

25th July 1997

Jim Dowd
Jon Owen Jones
Two of the Lord Commissioners for Her
Majesty's Treasury

(7) S.I. 1995/416; copies of the Statement of Fees and Allowances Paid to General Medical Practitioners in Scotland can be obtained on request from the Scottish Office Department of Health, St Andrew's House, Edinburgh.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service Superannuation Scheme (Scotland) Regulations 1995 (“the 1995 Regulations”) by bringing registered medical practitioners on the list of a Health Board and partnerships of such practitioners within the definition of an “employing authority” and thereby enabling persons employed by them to assist in the provision of general medical services under the National Health Service (Scotland) Act 1978 to join the NHS Superannuation Scheme for Scotland. Periods of work relating solely or partly to the provision of medical services other than general medical services under the 1978 Act are not included in a member’s pensionable service (regulations 3 and 4).

Regulation C4 is amended to provide that the Secretary of State shall determine what constitutes comparable whole-time employment (regulation 5).

Regulation E3 (entitlement to early retirement pension in situations such as redundancy), and regulation E4 (entitlement to early retirement pension with the employer’s consent after a member has reached age 50) of the 1995 Regulations will not apply to persons employed by a registered medical practitioner (regulations 6 and 7).

Schedule 1 to the 1995 Regulations is amended to provide scheme membership for unapproved assistant practitioners and assistant practitioners who are participating in the Doctors’ Retainer Scheme (regulation 8).