

SCHEDULE 2

Amendments to the old scheme

PART 1

Amendment of the 2011 Regulations

Amendment of regulation B3

3. After paragraph (3) of regulation B3 (restriction on further participation in this Section of the scheme), add—

“(4) A person who on 1st April 2012 has not attained the age of 41 years and 7 months may not contribute to or accrue further pensionable service under this Section of the scheme in respect of service in NHS employment on, or after, 1st April 2015.

(5) A person who on 1st April 2012 has attained the age of 50 may not contribute to or accrue further pensionable service under this Section of the scheme unless that person either—

- (a) is in pensionable employment on 31st March 2015; or
- (b) returns to pensionable employment on or after 1st April 2015 in circumstances where the provisions of regulation B2 do not apply.

(6) A person who on 1st April 2012 has attained the age of 45 but not the age of 46 years and 7 months may not contribute to or accrue further pensionable service under this Section of the scheme unless either paragraph (7) or (8) applies to that person and that person—

- (a) is in pensionable employment on 31st March 2015; or
- (b) returns to pensionable employment on or after 1st April 2015 in circumstances where the provisions of regulation B2 do not apply.

(7) This paragraph applies to a person who was on 1st April 2012 in pensionable employment as a special class officer—

- (a) under regulation R2; or
- (b) under regulation R3 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more pensionable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.

(8) This paragraph applies to a person who was on 31st March 2015 in pensionable employment as a special class officer—

- (a) under regulation R2; or
- (b) under regulation R3 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more pensionable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.

(9) A person who on 1st April 2012 has attained the age of 46 years and 7 months but has not attained the age of 50, may not contribute to or accrue further pensionable service under this Section of the scheme unless one of paragraph (10), (11) or (12) applies to that person and that person—

- (a) is in pensionable employment on 31st March 2015; or

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(b) returns to pensionable employment on or after 1st April 2015 in circumstances where the provisions of regulation B2 do not apply.

(10) This paragraph applies to a person whose eligibility cessation date calculated in accordance with paragraph (15) has not been reached.

(11) This paragraph applies to a person if on the day before that person's eligibility cessation date calculated in accordance with paragraph (10), that person is in pensionable employment as a special class officer—

(a) under regulation R2; or

(b) under regulation R3 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more pensionable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.

(12) A person who on 1st April 2012 has attained the age of 41 years and 7 months but has not attained the age of 45, may not contribute to or accrue further pensionable service under this Section of the scheme unless either paragraph (13) or (14) applies to that person and that person—

(a) is in pensionable employment on 31st March 2015; or

(b) returns to pensionable employment on or after 1st April 2015 in circumstances where the provisions of regulation B2 do not apply.

(13) This paragraph applies to a person if that person was on 1st April 2012 in pensionable employment as a special class officer—

(a) under—

(i) regulation R2; or

(ii) regulation R3 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more pensionable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation; and

(b) that person's eligibility cessation date calculated in accordance with paragraph (16) has not been reached.

(14) This paragraph applies to a person if that person was on 31st March 2015 in pensionable employment as a special class officer—

(a) under—

(i) regulation R2; or

(ii) regulation R3 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more pensionable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation; and

(b) that person's eligibility cessation date calculated in accordance with paragraph (16) has not been reached.

(15) For the purposes of paragraphs (10) and (11), the "eligibility cessation date" in relation to a person is to be determined according to the formula—

$$A - 2 \times M$$

where—

A is 1st April 2022;

M is the number of months (rounded up to the nearest whole month) by which the person's age on 1st April 2012 is less than 50.

(16) For the purposes of paragraphs (13) and (14), the “eligibility cessation date” in relation to a person is to be determined according to the formula—

$$A - (2 \times N)$$

where—

A is 1st April 2022;

N is the number of months (rounded up to the nearest whole month) by which the person’s age on 1st April 2012 is less than 45.

(17) Paragraph (18) applies to a person where in the opinion of the Scottish Ministers—

- (a) that person was previously an active member of a health service scheme corresponding to this Section of the scheme;
- (b) the regulations governing that corresponding scheme include provisions pursuant to subsection (5) of section 18 of the 2013 Act that provide for exceptions to subsection (1) of that section, and
- (c) pursuant to those provisions, the member would have been eligible to re-join that corresponding scheme if the member had returned to NHS employment for the purposes of that scheme on the day the member commenced NHS employment within the meaning of these Regulations.

(18) The Scottish Ministers may permit a person referred to in paragraph (17) to join this Section of the scheme and, for the purposes of paragraphs (5) to (16), the member’s previous pensionable employment under the corresponding health service scheme referred to in paragraph (17) will be treated as if it were previous pensionable employment under this Section of the scheme.”.