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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 434**

**The National Health Service Superannuation Scheme (Scotland)  
(Miscellaneous Amendments) (No. 2) Regulations 2017**

**PART 4**

**General**

**Option to persons detrimentally affected by these Regulations**

**19.**—(1) This regulation applies in relation to any benefit which is being paid or may become payable under the amended Regulations to or in respect of a person who—

- (a) served in an employment or office which qualified the person to participate in the benefits provided under the amended Regulations; and
- (b) ceased to serve in that employment or office before the date on which these Regulations come into force.

(2) Where, in a case to which this regulation applies, any provision of these Regulations would operate in relation to any person so as to place that person in a worse position than that person would have been in if that provision had not applied, that person may elect that the provision shall not apply by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) is to be in writing and to be delivered to the Scottish Ministers within six months of the coming into force of these Regulations or such longer period as the Scottish Ministers may allow.

(4) An election pursuant to paragraph (2) is to have effect in relation to the benefit referred to in paragraph (1) only to the extent that such benefit has accrued by virtue of periods of service rendered prior to the cessation referred to in paragraph (1) (or, if there has been more than one such cessation, the last of them before the coming into force of these Regulations).

(5) In determining entitlement to, and the amount of, the benefit to the extent referred to in paragraph (4), a person is to be treated as if that person had never recommenced service at any time after that cessation (or, as the case may be, the last such cessation).

(6) For the purpose of this regulation, “the amended Regulations” means—

- (a) the National Health Service Superannuation Scheme (Scotland) Regulations 2011; and
- (b) the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013.