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## EXPLANATORY NOTE

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

These Regulations further amend the National Health Service Superannuation Scheme (Scotland) Regulations 1995 (“the 1995 Regulations”) which provide for the superannuation of persons engaged in the National Health Service in Scotland. Certain provisions have retrospective effect as authorised by section 12 of the Superannuation Act 1972: regulations 3(b) and (c) and 14 to 21 shall have effect from 1st April 2001, regulations 5(b) and (c), 7 to 10, 11(2) and (3), and 12 shall have effect from 1st April 2002 and regulations 5(a), 6 and 11(1) shall have effect from 25th April 2000. All other amendments shall have effect from the date of coming into force of these Regulations.

Regulation 3 amends regulation A2 (interpretation) to introduce various definitions relating to practitioners which are required as a result of the amendments enabling locum practitioners to be included in the scheme and to clarify that for the purposes of the 1995 Regulations, the Mental Welfare Commission is treated as an employing authority.

Regulation 4 amends regulation B1(1) (membership of the scheme) to delete the references to “trainee practitioners” and insert references to “GP registrars” in accordance with the change introduced by the National Health Service (General Medical Services) (Scotland) Amendment Regulations 1998.

Regulation 5 amends regulation C3 (meaning of “qualifying service”) to remove the references to “self employed arrangement” following changes introduced in the Welfare Reform and Pensions Act 1999. The amendments also enable service which a member could count in a previous scheme to count as qualifying service where no transfer payment has been made to the NHS Scheme when the member transferred to the NHS as a result of a transfer of an undertaking. This Regulation also provides for members employed on a casual basis to continue in qualifying service during short breaks in employment of less than three months.

Regulations 6 to 10 amend Part M (transfers out of the scheme). Regulations M1, M2 and M5 are amended so that in each place where they occur the words “self employed arrangement” will cease to have effect. The amendments also entitle members to a transfer payment where they leave the scheme after age 60 as a result of a transfer of an undertaking, and enable special terms to apply where one member transfers as a result of a transfer of an undertaking.

Regulations 11 to 12 amend Part N (transfers into the scheme) so as to enable transfer payments to be accepted for members who have reached age 60 and have transferred as a result of a transfer of an undertaking. They also provide for payments on special transfer terms to be accepted for a single member and in regulation N1 for the words “self-employed pension arrangement” to be omitted.

Regulation 13 amends regulation R1(2) (medical and dental practitioners and trainee practitioners) to delete the reference to “trainee practitioners” and substitute “GP registrars”.

Regulations 14 to 21 amend Schedule 1 to the 1995 Regulations (medical and dental practitioners) to provide for the admission of locum practitioners to the scheme.

Regulation 15 adds new definitions to paragraph 1 of the Schedule (additional definitions used in Schedule 1), including a definition of a “locum practitioner”.

Regulation 16 amends paragraph 2 of the Schedule (application of regulations with modifications) to identify the “employing authority” for locum practitioners and amends paragraph 2(2) to exclude from practitioner pensionable earnings other earnings in respect of concurrent locum practitioner service.

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

Regulation 16 also adds new paragraphs 2A and 2B. Paragraph 2A sets out the procedure for locums to apply to join the Scheme, including provision enabling applications to be made in relation to locum service on and after 1st April 2001.

The new paragraph 2B makes transitional provisions connected with retrospective commencement of regulations 14 to 21 of these regulations. It modifies the definition of a “locum practitioner” inserted by that paragraph in two ways:

- (i) doctors who would not fall into the definition can be treated as locums during the period beginning on 1st April 2001 and ending on 30th August 2003 if they meet one of the conditions in paragraph (b) of the definition immediately after the end of the period. (This is necessary because the supplementary lists referred to in paragraph (b)(i) of the definition were not in place at the beginning of the period, and some practitioners performing piloted services would not have been named as mentioned in paragraph (b)(ii)).
- (ii) doctors who would not fall into the definition can count as locums during the period beginning on 1st April 2001 and ending on 30th August 2003 if after performing locum services during that period they become another sort of practitioner not later than 31st August 2003.

Regulations 17 and 18 amend paragraphs 3 and 6 of the Schedule (meaning of “pensionable earnings”) so as to define the earnings that are pensionable for locums.

Regulation 19 amends paragraph 9 of the Schedule (officer service treated as practitioner service) to clarify that the provisions of paragraph (9) apply to practitioners providing piloted services under an agreement, and makes special provision enabling locums to be treated as continuing to be in qualifying service during short breaks between engagements.

Regulation 20 amends paragraph 10 of the Schedule (contributions to the scheme) to provide for locum practitioners to pay their contributions to the employing authority who must pay these contributions to the Scheme by the 19th day of the month following the month in which they are received from the Practitioners.

Regulation 21 (absence from work) provides that regulations P1, P2 and P3 and paragraph 18 of Schedule 1 to the 1995 Regulations which give rights in cases of absence from work are disapplied for locum practitioners.

These Regulations do not impose any costs on business.