
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 62

**The National Health Service Superannuation
Scheme (Scotland) (Additional Voluntary
Contributions) Amendment Regulations 2004**

Interpretation

3. In paragraph (1) of regulation 2(1)–

(a) for the definition of “dependant” substitute–

““dependant” means a surviving spouse (providing the marriage was not, prior to 1st April 1995, subject to a decree of separation) or any surviving child of a participator or a person in whose favour a participator has made an election under regulation J1 of the 1995 Regulations (allocation of pension by member for benefit of dependant)(2)

(b) for the definition of “insurance company” substitute–

““insurance company” means–

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance; or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule to effect or carry out contracts of long-term insurance as a result of satisfying the establishment conditions within the meaning of that Schedule;

Provided that this definition must be read with–

- (i) section 22 (the classes of activity and categories of investment) of the Financial Services and Markets Act 2000;
- (ii) any relevant order under that section; and
- (iii) Schedule 2 to that Act.”;

(c) after the definition of “normal benefit age”(3) insert–

““occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993(4)

(d) for the definition of “participator” substitute–

““participator” means–

- (a) a contributor who has made a benefits election under regulation 11(3);
- (b) a contributor who has died;

(1) Regulation 2 was amended by [S.S.I. 2001/465](#) and [S.I. 2001/3649](#).

(2) [S.I. 1995/365](#), amended by [S.I. 1997/1434](#) and [1916](#), [1998/1593](#), [1999/443](#) and [2001/3649](#), and [S.S.I. 2001/437](#), [2001/465](#), [2003/55](#), and [2003/270](#).

(3) The definition of “normal benefit age” was inserted by regulation 1 of [S.S.I. 2001/465](#).

(4) [1993 c. 48](#).

Status: This is the original version (as it was originally made).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

- (c) a person who has ceased to be a contributor but has not exercised any right to take a cash equivalent within the meaning of section 94 of the Pension Schemes Act 1993 or to be paid a lump sum under regulation 14; or
- (d) a person in respect of whom investments have been made under regulations 7(1), 8(2) or 9(4);”;
- (e) in the definition of “pensionable employment” after “Scotland” insert–
“, or such other employment as the Scottish Ministers may approve for the purposes of a direction under section 7 of the Superannuation (Miscellaneous Provisions) Act 1967(5).”;
- (f) omit paragraph (1A) of regulation 2(6).

(5) 1967, c. 28. Section 7 was amended by Articles 2 and 5(4)(a) of S.I. 1968/1699; Section 10(5), paragraph. 66(a) and (b) of Schedule 6, and Schedule 8 of the Act; the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 40; the National Health Service Reorganisation Act 1973 (c. 32), Schedule 5; and the National Health Service (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 24.

(6) Paragraph (1A) of regulation 2 was inserted by S.I. 2001/3649.