
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 19

The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits) (Scotland) Amendment Regulations 2009

PART 2

Amendment of the National Health Service Pension Scheme (Scotland) Regulations 2008

Amendment of regulation 3.A.1

- 53.**—(1) Regulation 3.A.1 (interpretation: general) is amended as follows.
- (2) In the definition of “active member” delete “3.D.5(9)” and substitute “3.D.5(8)”.
- (3) For the definition of “corresponding health service scheme” substitute—
- ““corresponding health service scheme” means—
- (a) a superannuation scheme provided under regulations made under section 10 of the Superannuation Act 1972⁽¹⁾ and having effect in England and Wales;
- (b) a superannuation scheme provided under Article 12 of the Superannuation (Northern Ireland) Order 1972⁽²⁾;
- (c) a scheme made under section 2 of the Superannuation Act 1984⁽³⁾ (an Act of Tynwald) applies; or
- (d) any other occupational pension scheme approved for the purposes of this regulation by the Scottish Ministers;”.
- (4) After the definition of “corresponding health service scheme” insert—
- ““corresponding 1995 scheme” means a corresponding health service scheme the provisions of which the Scottish Ministers have determined correspond to the NHS superannuation scheme for Scotland 1995;
- ““corresponding 2008 scheme” means a corresponding health service scheme the provisions of which the Scottish Ministers have determined correspond to the provisions of the scheme;”;
- (5) For the definition of “contracting Health Board” substitute—
- ““contracting Health Board”, in respect of a person who is a registered medical practitioner or non GP provider who is—
- (a) a partner in a partnership—
- (i) that is a GMS practice; or

(1) 1972 c. 11.

(2) S.I.1972/1073.

(3) 1984 c. 8 (Tynwald).

- (ii) that has entered into a section 17C agreement or is an HBPMS contractor that has entered into an HBPMS contract for the provision of primary medical services;
 - (b) a shareholder in a company limited by shares that is a GMS practice or a section 17C practice or an HBPMS contractor that has entered into section 17C agreement or HBPMS contract for the provision of primary medical services; or
 - (c) an individual who is a GMS practice, section 17C practice or an HBPMS contractor, means each Health Board with which that partnership (in the case of (a)), company (in the case of (b)) or practice or contractor (in the case of (c)) has entered into an agreement or contract referred to in those provisions and (in the case of a registered medical practitioner) the relevant Health Board on whose medical performers' list that practitioner's name appears, and such a person shall be deemed to be employed by the appropriate Health Board for the purposes of this Part;".
- (6) For the definition of "OOH services" substitute—
- ““OOH services” means services which are required to be provided in the out of hours period and which if provided during core hours by a GMS Practice, a section 17C Agreement provider or a HBPMS Contractor to patients to whom the practice or contractor is required to by its GMS contract, section 17C agreement or HBPMS contract to provide essential services, would be or would be similar to essential services;”.