

---

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.B.1**

**59.** For regulation 3.B.1(5)(d) (eligibility: general) substitute—

- “(d) the person—
- (i) ceased to be an active member of the NHS superannuation scheme for Scotland 1995 on leaving NHS employment;
  - (ii) became a deferred member of that scheme on leaving that employment and has not become a pensioner member of that scheme between the date of leaving that employment and joining the scheme set out in this Part; and
  - (iii) re entered NHS employment on or after 1st October 2008 and 5 or more years since last leaving NHS employment; or
- (e) the person—
- (i) ceased to be an active member of the NHS superannuation scheme for Scotland 1995 before 1st April 2008 on leaving NHS employment;
  - (ii) became a deferred member of that scheme on leaving NHS employment;
  - (iii) re entered NHS employment on or after 1st October 2008 and 5 or more years since last leaving NHS employment; and
  - (iv) before the person re entered such employment—
    - (aa) a transfer payment was made in respect of the person under Part M of that scheme; or
    - (bb) the person made an application under regulation M2 of that scheme (exercising a right to transfer or buy out) from which the person may not withdraw,

but sub-paragraphs (d) to (e) will not apply if the Scottish Ministers have permitted such a person to rejoin the NHS superannuation scheme for Scotland 1995 in the circumstances described in regulation B3 (restrictions on future participation in the scheme) of the 1995 Regulations.”.