
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 22

The National Health Service (Superannuation Scheme, Pension Scheme, Injury Benefits and Additional Voluntary Contributions) (Scotland) Amendment Regulations 2010

PART 3

AMENDMENT OF THE NATIONAL HEALTH SERVICE
PENSION SCHEME (SCOTLAND) REGULATIONS 2008

New regulation 3.B.1A

60. After regulation 3.B.1 (eligibility: general), insert—

“Eligibility: transitional

3.B.1A.—(1) A person is eligible to be an active member of this Section of the scheme if—

- (a) the Scottish Ministers have accepted that person’s option to join this Section of the scheme under Chapter 3.K; and
 - (b) that person is not prevented by regulation 3.B.2 or 3.B.6 from doing so.
- (2) If a person referred to in paragraph (1)—
- (a) is entitled to a lower tier ill health pension under regulations E2A(3)(a) of the 1995 Regulations; and
 - (b) as a result of a determination made by the Scottish Ministers under regulation E2B(3) of those Regulations, that person becomes entitled to an upper tier ill health pension in place of that lower tier ill health pension,

that person shall cease to be eligible to be an active member of this Section of the scheme from the date the Scottish Ministers make that determination.”.