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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 22**

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

**PART 2**

**AMENDMENT OF THE NATIONAL HEALTH SERVICE  
SUPERANNUATION SCHEME (SCOTLAND) REGULATIONS 1995**

**Amendment of Schedule 1**

9.—(1) Schedule 1 (medical and dental practitioners) shall be amended as follows.

(2) In paragraph 9 (officer service treated as practitioner service)—

- (a) in sub-paragraph (1) omit “principal” where it twice occurs;
- (b) in sub-paragraph (3)(a) omit “principal”;
- (c) in sub-paragraph (3)(b) omit “principal”;
- (d) in sub-paragraph (5A)(a) omit “principal”;
- (e) after sub-paragraph (5B), insert—

“(5C) If—

- (a) any part of the period of a member’s officer service is treated as practitioner service for the purposes of sub-paragraph (1) or (5A) (“the converted service”); and
- (b) any part of the converted service has been credited to the member as a result of a transfer-in under regulation N2 or N3 (but not regulation R7(2)) “the converted service credit”,

the amount of pensionable pay deemed to be received in respect of the converted service credit will be calculated in accordance with paragraph 20 of this Schedule.”; and

- (f) in sub-paragraph (8) for “been a principal practitioner,” substitute “officer service before first becoming a practitioner”.

(3) In paragraph 9B (practitioners with benefits from both practitioner and officer service) after sub-paragraph (5) insert—

“(6) Where—

- (a) a member who, before commencing his or her final period of practitioner service, has service as an officer (whether that service as an officer consists of a separate period of such service or two or more such periods);
- (b) that officer service is preceded by an earlier period of practitioner service; and
- (c) some or all of the officer service is not concurrent with the practitioner service,

sub-paragraph (7) applies.

(7) If it would be more favourable, a member referred to in sub-paragraph (6)(a) is entitled to receive a separate pension and retirement lump sum for such part of that officer service that is not concurrent with the member's final period of practitioner service.

(8) The amounts of the pension and retirement lump sum referred to in sub-paragraph (7) are subject to a 1.5% increase for each whole year or part of a year within the increment period and that increase shall—

- (a) be applied in like manner and at the same intervals as an increase applied to a pension under the Pensions (Increase) Act 1971; and
- (c) be effective immediately before the pension and lump sum become payable under these Regulations.

(9) The increment period referred to in sub-paragraph (8) shall—

- (a) begin with the day immediately following the day on which the officer service referred to in sub-paragraph (7) ceased for the last time; and
- (b) end with the day immediately before the pension and retirement lump sum become payable under these Regulations.”.