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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 117**

**The National Health Service Superannuation  
Scheme (Scotland) Regulations 2011**

**PART U**

**ADMINISTRATIVE MATTERS**

**Extension of time limits**

**U1.** In any particular case, the Scottish Ministers may extend any time limit mentioned in these Regulations.

**Determination of questions**

**U2.**—(1) The Scottish Ministers must determine any question concerning any person's rights or liabilities under these Regulations.

(2) Any dispute shall be resolved in accordance with the dispute resolution procedure issued from time to time by the Scottish Ministers in conformity with section 50 of the 1995 Act.

(3) In making a determination under the regulations referred to in paragraph (4) [<sup>F1</sup>or in making a decision referred to in paragraph (5),] the Scottish Ministers may require any person requesting a determination to submit to a medical examination by a registered medical practitioner selected by the Scottish Ministers, and in that event, the Scottish Ministers must—

- (a) also offer the person an opportunity of submitting a report from the person's own medical adviser as a result of an examination by that medical adviser; and
- (b) take that report into consideration together with the report of the medical practitioner selected by the Scottish Ministers.

(4) The regulations referred to in paragraph (3) are—

- (a) regulations E2, E3, E4, E5 and E12 in relation to physical or mental incapacity;
- (b) regulations G8(3), G11(2) and G15(2) in relation to incapacity to earn a living because of physical or mental infirmity;
- (c) regulation H1(7) in relation to incapacity to earn a living because of permanent physical or mental infirmity;
- (d) regulation J1(6) in relation to the member's good health; and
- (e) regulations E1(4), E3(8) [<sup>F2</sup>, E12 and V17], in relation to the life expectancy of the member.

[<sup>F3</sup>(5) The decision referred to for the purposes of paragraph (3) is a decision as to whether a person is able to satisfy the severe ill-health condition for the purposes of section 229(3)(a) of the 2004 Act (total pension input amount).]

**Textual Amendments**

- F1** Words in reg. U2(3) inserted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2012 \(S.S.I. 2012/163\)](#), regs. 1(2), **9(a)** (with reg. 30)
- F2** Words in reg. U2(4)(e) substituted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2012 \(S.S.I. 2012/163\)](#), regs. 1(2), **9(b)** (with reg. 30)
- F3** Reg. U2(5) inserted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2012 \(S.S.I. 2012/163\)](#), regs. 1(2), **9(c)** (with reg. 30)

**[<sup>F4</sup>Accounts and actuarial reports**

**U3.**—(1) The Scottish Ministers are to keep accounts of the scheme in a form approved by the Treasury.

(2) The accounts are to be open to examination by the Auditor General for Scotland.

(3) In respect of a member, an employing authority must keep a record of all—

- (a) contributions paid under regulations D1, Q5 and Q8;
- (b) contributions due under regulations D1, Q5 and Q8, but unpaid;
- (c) contributions paid under regulation D2(1);
- (d) contributions due under regulation D2(1), but unpaid;
- (e) hours, half-days or sessions constituting part-time pensionable employment for the purposes of regulation C4;
- (f) pensionable pay;
- (g) absences from work referred to in regulations P1, P2 and P3;
- (h) commencement and termination of pensionable employment;
- (i) reason for termination of pensionable employment.

(4) That record is to be kept in a manner approved by the Scottish Ministers.

(5) Except where the Scottish Ministers waive such a requirement, an employing authority must within 2 calendar months of the end of each scheme year provide to the Scottish Ministers a statement in respect of the matters referred to in paragraph (3) in respect of all scheme members.

(6) Where an employing authority has provided the information in accordance with paragraph (5) and there is then a change to any of the information provided, that employing authority must, within 1 month of the change, provide the Scottish Ministers with the revised information.

(7) In respect of each scheme year an employing authority must, within 2 months of a request and in a manner specified by the Scottish Ministers, provide them with a statement of the total contributions paid for all scheme members under regulations D1, D2(1), Q5 and Q8.

(8) Where an employing authority has provided a statement under paragraph (7) and there is a revision to the total contributions paid, that employing authority must, within 1 month of the change, provide the Scottish Ministers with the revised total.]

**Textual Amendments**

- F4** Reg. U3 substituted (28.6.2014) by [The National Health Service Superannuation Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2014 \(S.S.I. 2014/154\)](#), regs. 1(2), **13**

**Cost Sharing**

<sup>F5</sup>**U4.** .....

**Textual Amendments**

- F5** Reg. U4 omitted (with effect in accordance with reg. 1(8) of the amending S.S.I.) by virtue of [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **24** (with reg. 71)

**Status:**

Point in time view as at 28/06/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Superannuation Scheme (Scotland) Regulations 2011, PART U.