

*These Regulations have been made to correct errors in S.S.I. 2011/117 and are being issued free of charge to all known recipients of these Regulations.*

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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 173**

**NATIONAL HEALTH SERVICE**

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

<i>Made</i>	- - - -	<i>3rd March 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>7th March 2011</i>
<i>Coming into force</i>	- -	<i>1st April 2011</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10 and 12 of, and Schedule 3 to, the Superannuation Act 1972(a), and of all other powers enabling them to do so.

In accordance with section 10(1) of that Act, these Regulations are made with the consent of the Treasury(b).

In accordance with section 10(4) of that Act, the Scottish Ministers have consulted with such representatives of persons likely to be affected by these Regulations as appear to them to be appropriate.

**Citation and commencement**

1.—(1) These Regulations may be cited as the National Health Service Superannuation Scheme (Scotland) Amendment Regulations 2011.

(2) These Regulations come into force on 1st April 2011.

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(a) 1972 c.11; sections 10 and 12 were amended by the Pensions (Miscellaneous Provisions) Act 1990 (c.7) sections 4(2), 8(5) and 10; section 10(6) was amended by the Pension Schemes Act 1993 (c.48), Schedule 8, paragraph 7 and by the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), article 108. The functions of the Secretary of State, in or as regards Scotland, were transferred to Scottish Ministers by virtue of article 2 of and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750).

(b) See the Superannuation Act 1972, section 10(1). This function was transferred to the Treasury by virtue of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670), article 2 and is still exercisable by virtue of S.I. 1999/1750, article 2 and Schedule 1.

**Amendment of the National Health Service Superannuation Scheme (Scotland) Regulations 2011**

2. The National Health Service Superannuation Scheme (Scotland) Regulations 2011(a) are amended as follows—

- (a) in regulation A2(4) in the definition of “the 2008 Section” omit “Part 1 or 2 (whichever is applicable) of”;
- (b) in regulation B1(3) for “Secretary of State” substitute “Scottish Ministers”;
- (c) in regulation E6(1)(a) at the end of sub-paragraph (iii) insert “or”;
- (d) in regulation G16(3)(a) for “these Regulations” substitute “the National Health Service Superannuation Scheme (Scotland) Amendment Regulations 2008(b)”; and
- (e) in paragraph 1 of schedule 1, in the definition of “Common Services Agency” for “the 1972 Act” substitute “the National Health Service (Scotland) Act 1978(c)”.

*JOHN SWINNEY*

A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
1st March 2011

We consent

*JEREMY WRIGHT*

*MICHAEL FABRICANT*

Two of the Lord’s Commissioners of Her Majesty’s Treasury

3rd March 2011

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(a) S.S.I. 2011/117.  
(b) S.S.I. 2008/226.  
(c) 1978 c.29.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make minor drafting amendments to the National Health Service Superannuation Scheme (Scotland) Regulations 2011, which provide for the superannuation of persons engaged in the National Health Service in Scotland (other than those subject to the National Health Service Pension Scheme (Scotland) Regulations 2008).

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