

POLICY NOTE

THE NATIONAL HEALTH SERVICE (SUPERANNUATION SCHEME) (SCOTLAND) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2014

S.S.I. 2014/154

The above instrument was made in exercise of the powers conferred by section 10 and 12 of, and Schedule 3 to, the Superannuation Act 1972. Functions under that Act as regards Scotland have been executively devolved to the Scottish Ministers. The instrument is subject to negative procedure.

Policy Objectives

The Instrument makes changes to the NHS Superannuation Scheme, as set out in the National Health Service Superannuation Scheme (Scotland) Regulations 2011 (SSI 2011/117), the NHS (Scotland) (the 2008 section) Superannuation Regulations 2013, The NHS (Scotland) (Injury Benefits) Regulations 1998 and the NHS Superannuation Scheme (Scotland) (Additional Voluntary Contributions) Regulations 1998.

The regulations make the following amendments:

- Update references in the 1995 Section of the Superannuation Scheme, Injury Benefit Scheme and Additional Voluntary Contributions regulations as a consequence of the consolidation of the 2008 section regulations.
- Updates the employee contribution bandings to reflect changes as a result of the NHS Scotland 2014 pay award.
- Makes a change to the 1995 and 2008 section regulations to allow for those opting out of the scheme within 3 months to be treated as having never joined for administrative purposes only. This is to allow for refunds of contributions to be dealt with locally within this timescale.
- Introduces a cap in respect of a member's final salary in the 1995 section (2011 regulations) for the purposes of calculating pension where final salary is inordinately high. Where the cap is exceeded a charge will be levied against the employer.
- The introduction of an administrative charge and a facility for SPPA to apply interest where employers are late in paying over scheme contributions to SPPA
- Changes to reflect revised HMRC rules from 6 April 2014.

A number of other minor amendments are made to correct previous errors or to provide clarification.

Consultation

To comply with the requirements of section 10(4) of the Superannuation Act 1972 a formal consultation took place from 13 March to 9 April 2014 on all changes except contribution bandings and a further consultation on the employee contribution bandings took place between 2 May and 13th May 2014. In particular, representatives of NHS employers and employees, other Scottish Government interests and UK Government departments were consulted.

Impact Assessments

No equality impact statement has been done for this instrument.

Financial Effects

No Business and Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

Scottish Public Pensions Agency
An Agency of the Scottish Government
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