

---

*Status: Point in time view as at 25/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015. (See end of Document for details)*

---

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2015 No. 94**

**PUBLIC SERVICE PENSIONS**

**The National Health Service Pension  
Scheme (Scotland) Regulations 2015**

*Made - - - - 2nd March 2015*  
*Laid before the Scottish*  
*Parliament - - 3rd March 2015*  
*Coming into force 1st April 2015*

**THE NATIONAL HEALTH SERVICE PENSION  
SCHEME (SCOTLAND) REGULATIONS 2015**

PART 1

Preliminary

1. Citation, extent and commencement
2. Establishment of the NHS Pension Scheme (Scotland) 2015

PART 2

Governance

CHAPTER 1

Management

3. Scheme manager
4. Pension board
5. Scheme advisory board

CHAPTER 2

Actuary and valuation

6. Appointment of scheme actuary
7. Actuarial valuations
8. Employer cost cap
9. Cost of scheme exceeds margins

**Status:** Point in time view as at 25/03/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015. (See end of Document for details)

10. Procedure for agreeing steps to achieve target cost
11. No agreement reached
12. Approval mechanism
13. Target cost

### CHAPTER 3

#### General

14. Administrative matters

### PART 3

#### Scheme membership

### CHAPTER 1

#### Joining and leaving

15. Joining and leaving the scheme
16. Re-joining the scheme
17. Automatic enrolment legislation

### CHAPTER 2

#### Membership

18. Membership
19. Restrictions on membership

### CHAPTER 3

#### Pensionable service

20. Pensionable service
21. Absence from work
22. Qualifying service
23. Effect of break in pensionable service

### CHAPTER 4

#### Pension accounts

24. Establishment of pension accounts
25. Closure of pension accounts on transfer out or repayment of balance of contributions
26. Calculation of amount of accrued pension

## PART 4

### Contributions

#### CHAPTER 1

##### Determination and payment

27. Pensionable earnings
28. Pensionable earnings: break in service
29. Pensionable earnings: more than one employment
30. Members' contributions: employees
31. Members' contributions: practitioners and non-GP providers
32. Contributions by employing authorities
33. Employing authority contributions: interests of efficiency
34. Employing authority contributions: redundancy
35. Interest and administration charges: late paid contributions
36. Member contributions: records and estimates
37. Members contributions: supplementary: medical practitioners, non-GP providers
38. Members contributions: supplementary: dental practitioners

#### CHAPTER 2

##### Refund: short service

39. Eligibility for refund
40. Amount of refund
41. Effect of refund

#### CHAPTER 3

##### Buy-out: actuarial reduction

42. Eligibility to make a buy-out election
43. Making and varying a buy-out election
44. Accepting a buy-out election
45. Overall limit on extra pension
46. Determination of contributions payable
47. Payment of buy-out contributions
48. Suspension of buy-out: hardship
49. Revoking a buy-out election

#### CHAPTER 4

##### Allocation

50. Election to allocate pension
51. Amount of allocation
52. Procedure for election under regulation 50
53. Effect of allocation

**Status:** Point in time view as at 25/03/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015. (See end of Document for details)

## CHAPTER 5

### Additional pension

54. Election to pay contributions for additional pension
55. Annual rate of additional (self only) pension
56. Lump sum or periodic payments
57. Making an additional pension election
58. Accepting an additional pension election
59. Determination of contribution payable
60. Overall limit on extra pension
61. Lump sum contributions: payment of contributions and credit of additional pension
62. Refund of lump sum contribution
63. Periodic Contributions
64. Retirement pension (other than ill-health pension) becomes payable before the end of the contributions payment period
65. Revoking an additional pension election (periodic payments)
66. Revocation of election by scheme manager (lump sum)
67. Effect of being absent or leaving and rejoining scheme during contributions payment period
68. Death in service before end of contributions payment period
69. Ill-health pension becomes payable before end of contributions payment period
70. Effect of part payment of contributions

## PART 5

### Members' benefits

## CHAPTER 1

### Qualification

71. Qualifying for retirement benefits

## CHAPTER 2

### Age retirement

72. Entitlement to age retirement pension
73. Annual rate of age retirement pension
74. Late payment of pension with actuarial increase
75. Pension credit member
76. Conversion of part of pension into lump sum
77. Entitlement day

## CHAPTER 3

### Early and premature retirement

78. Early retirement
79. Entitlement day
80. Premature retirement in the interests of efficiency

- 81. Premature retirement on grounds of redundancy
- 82. Premature retirement entitlement day

#### CHAPTER 4

##### Partial retirement

- 83. Election for partial retirement (members over normal minimum pension age)
- 84. Effect of election
- 85. Terms of employment improve after election
- 86. Member becomes subject to reduction following abatement
- 87. Payment of pension after abatement
- 88. Application of regulations 83 to 87: concurrent employments

#### CHAPTER 5

##### Ill-health pension

- 89. Entitlement to ill-health pension
- 90. Member's incapacity
- 91. Annual rate of ill-health pension
- 92. Re-assessment of entitlement
- 93. Early retirement on ill-health (deferred members)
- 94. Effect of re-employment on Upper Tier IHP
- 95. Renewed entitlement to Upper Tier IHP
- 96. Re-employed Lower Tier IHP members

#### CHAPTER 6

##### Dual capacity and multiple employment

- 97. Dual capacity membership: pension benefits
- 98. Deferred pension becomes payable during NHS re-employment following transfer of undertaking
- 99. Retirement benefits for members with more than one employment

#### CHAPTER 7

##### Abatement on re-employment

- 100. Application of Chapter
- 101. Information
- 102. Reduction of pension
- 103. Relevant income and enhancement amount
- 104. Previous earnings: general
- 105. Previous earnings: continuing and concurrent employments
- 106. Multiple pensions
- 107. Adjustment of reductions

**Status:** Point in time view as at 25/03/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015. (See end of Document for details)

## CHAPTER 8

### Serious ill health option

108. Option for members in serious ill health to exchange pension for lump sum

## CHAPTER 9

### Contracting out obligations

109. Guaranteed minimum pension etc

## CHAPTER 10

### Pension debit members

110. Reduction in pension debit member's benefits

## PART 6

### Survivor benefits

## CHAPTER 1

### Adult survivor

111. Lump sum on death  
112. Surviving adult dependant pension  
113. Surviving scheme partner  
114. Amount of pension: survivor of active member  
115. Amount of pension: survivor of pensioner member  
116. Amount of pension: deferred members  
117. Recent leavers  
118. Re-employed pensioners: adult survivor pensions in initial period  
119. Polygamous marriage

## CHAPTER 2

### Child survivor

120. Surviving child's pension  
121. Eligible child  
122. Amount of child pension: deceased active member  
123. Amount of child pension: deceased pensioner member  
124. Amount of child pension: deceased deferred member  
125. Amount of child pension: recent leavers  
126. Power to increase pension for children not maintained by surviving parent etc.  
127. Amount of child pension: re-employed pensioners  
128. Provisional awards of eligible child's pensions: later adjustments

## CHAPTER 3

### General

129. Suspension and recovery of pensions paid under this Part

### PART 7

### Transfers

## CHAPTER 1

### Preliminary

130. Application of Part  
131. Interpretation of Part

## CHAPTER 2

### Transfers values

### SECTION 1

#### *Application of Chapter*

132. Application of Chapter

### SECTION 2

#### *Transfers out*

133. Right to transfer value payment  
134. Application for statement of entitlement  
135. Application for transfer value payment  
136. Transfer value payments: time limits  
137. How transfer value payments may be applied  
138. Calculating amounts of value or club transfer value  
139. Effect of transfer-out

### SECTION 3

#### *Transfers in*

140. Right to apply for acceptance of transfer value payment  
141. Application procedure  
142. Acceptance of transfer value payment  
143. Calculation of increase to pensionable earnings  
144. Transfer from 1995 or 2008 Section  
145. Transfers from corresponding 1995 and 2008 schemes

### SECTION 4

#### *Bulk transfers*

146. Bulk transfers out  
147. Bulk transfers in

**Status:** Point in time view as at 25/03/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015. (See end of Document for details)

## CHAPTER 3

### Miscellaneous transfers

#### 148. EU and overseas transfers

##### PART 8

##### General

#### 149. Definitions

#### 150. OOH provider

#### 151. Guarantees, bonds and indemnities

#### 152. Medical practitioner

#### Signature

#### SCHEDULE 1 Pension Board

1. Composition of the pension board
2. Terms of office of members
3. Disqualification from appointment as a member
4. Appointment, term of office and cessation of office of the chair
5. Conflicts of interest
6. Information

#### SCHEDULE 2 Scheme advisory board

1. Composition of the scheme advisory board
2. Disqualification from appointment as a member
3. Appointment, term of office and cessation of office of chair
4. Quorum of the scheme advisory board
5. Conflicts of interest

#### SCHEDULE 3 Administrative matters

##### PART 1 Accounts and information

1. Scheme accounts and actuarial valuations
2. Scheme information
3. Benefit information statements

##### PART 2 Claims and payments

4. Claims for benefits
5. Provision of information: continuing entitlement to benefits
6. Trivial commutation lump sum
7. Beneficiaries who are incapable of looking after their affairs
8. Power to extend time limits

##### PART 3 Interest

9. Interest on late payment of benefits and refunds of member contributions

##### PART 4 Assignment, offset and forfeiture, etc.

10. Prohibition on assignment or charging of benefits
11. Offset of benefits
12. Forfeiture of rights to benefits

##### PART 5 Insolvency

13. Bankruptcy of person entitled to benefits

##### PART 6 Determinations

14. Determination of questions

15. Determinations - advice by medical practitioners

##### PART 7 Taxation







SCHEDULE 12 Lump sum on death

1. Interpretation
2. Death of active member
3. Death of deferred member
4. Death of pensioner member
5. Death of recent leaver
6. Death of re-employed pensioner
7. Death of a partial retirement pensioner
8. Death of pension credit member
9. Payment of lump sums on death

SCHEDULE 13 Definitions

Explanatory Note

**Status:**

Point in time view as at 25/03/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015.