
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a career average re-valued earnings scheme for the payment of pensions and other benefits to and in respect of health service workers in Scotland.

Part 1 provides for the establishment of the scheme and for it to be known as the NHS Pension Scheme (Scotland) 2015.

Part 2 contains governance provisions.

Chapter 1 provides for the Scottish Ministers to be the scheme manager and allows for the delegation of the scheme manager's functions. It also establishes a Pension Board (and introduces Schedule 1, which makes further provision about that Board) and a Scheme Advisory Board (and introduces Schedule 2, which makes further provision about that Board).

Chapter 2 requires the appointment of a scheme actuary and provides for valuation of the Scheme.

Chapter 3 introduces Schedule 3, which provides for various administrative matters: scheme accounts and information; claims for, and payments of, benefits; interest on late payments; assignation, offset and forfeiture; insolvency of persons entitled to benefits; determination of questions; taxation.

Part 3 provides for scheme membership.

Chapter 1 deals with joining and leaving the Scheme and the relationship with wider automatic enrolment legislation, and introduces Schedule 4 (which provides for opting out of the Scheme).

Chapter 2 sets out who is eligible for membership of the Scheme, and introduces Schedule 5 (which provides for membership gateways) and Schedule 6 (which sets out other persons to whom membership of the Scheme may be extended).

Chapter 3 establishes the concepts of pensionable service and qualifying service and sets out how to treat certain absences from work and breaks in pensionable service.

Chapter 4 provides for the establishment and closure of a member's pension accounts in relation to membership of the Scheme, and how to calculate the amount of accrued pension under the Scheme. It also introduces Schedule 7 (which provides further detail on pension accounts).

Part 4 provides for the payment of contributions by members and employers and also the repayment of a member's contributions after short-service.

Chapter 1 deals with determination and payment of contributions and introduces Schedule 8 (which contains provisions for determining the income of medical and dental practitioners), Schedule 9 (which determines pensionable earnings for the purpose of setting contribution rates) and Schedule 10 (which provides for contribution payments for medical and dental practitioners).

Chapter 2 provides for refunds after short-service.

Chapter 3 provides for a facility to buy-out the actuarial reduction which is applied on taking a retirement pension earlier than normal pension age.

Chapter 4 allows a member to elect to allocate part of their pension to provide a pension on their death for a spouse, civil partner or dependant.

Chapter 5 allows a member to elect to pay additional contributions to purchase an amount of additional pension payable when the main pension is taken.

Part 5 provides for a member's entitlement to payment of retirement benefits.

Status: This is the original version (as it was originally made).

Chapter 1 sets the basic qualifying criteria for receipt of benefits from the Scheme.

Chapter 2 provides for age retirement benefits, and introduces Schedule 11 (which provides for the calculation of pensions).

Chapter 3 provides for benefits on early and premature retirement.

Chapter 4 provides for benefits payable in the case of partial retirement.

Chapter 5 sets out the benefits payable in the case of ill-health of a member.

Chapter 6 sets out the entitlement of a person who is a member of the Scheme in more than one capacity or who has more than one employment.

Chapter 7 deals with the reduction of the amount of pension payable in the event of re-employment of a pensioner member.

Chapter 8 provides for conversion of a pension to a lump sum in the event of serious ill-health of a member.

Chapter 9 deals with contracting out obligations connected to provision of guaranteed minimum pensions.

Chapter 10 provides for a member's benefits to be reduced if the member is a pension debit member.

Part 6 provides for survivor benefits.

Chapter 1 provides for benefits to adult survivors, and introduces Schedule 12 (which provides for lump sum payments on the death of a member).

Chapter 2 provides for benefits to child survivors.

Chapter 3 allows for the suspension and recovery of payments made under Part 6 in certain circumstances.

Part 7 provides for the payment and receipt of transfer values including club transfers.

Chapter 1 provides various definitions used in this Part.

Chapter 2 provides for transfers out, transfers in, and bulk transfers.

Chapter 3 provides the scheme manager with flexibility to deal with transfers between the Scheme and EU and overseas schemes.

Part 8 contains general provisions, including introducing Schedule 13 (which contains definitions used in the Scheme) and a provision allowing the scheme manager to require a guarantee, bond or indemnity for liabilities due from certain employing authorities.

An impact assessment has not been prepared for this instrument as no impact on the costs of business or the voluntary sector is foreseen.