

SCOTTISH STATUTORY INSTRUMENTS

**2015 No. 94**

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

**PART 4**

Contributions

CHAPTER 1

Determination and payment

**Pensionable earnings**

27.—(1) The pensionable earnings of a member (M) are defined by the appropriate entry in the Table where—

- (a) column 1 applies an identifying letter to the group to which M belongs;
- (b) column 2 describes M's employment in or engagement with a health service activity; and
- (c) column 3 specifies the nature of the income derived by M from the employment or engagement.

[<sup>F1</sup>Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Group</i>	<i>Employment/Engagement</i>	<i>Income</i>
A	M is employed by an NHS organisation	Salary, wages, fees and other regular payments made to M in respect of M's employment, but not including—
B	M is employed by a medical contractor, a non-GP provider or a dental contractor	
C	M is employed by a determination employer	(a) bonuses; (b) payments made to cover expenses; (c) payments for overtime; or (d) pay awards or increases which are expressed by the Scottish Ministers to be non-consolidated.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Group</i>	<i>Employment/Engagement</i>	<i>Income</i>
D	M is— (a) a medical practitioner; (b) a dental practitioner; or (c) a non-GP provider	Practitioner income: see Schedule 8.]

(2) M's pensionable earnings may be attributable to M belonging concurrently to more than one group in the Table.

(3) If M is a non-GP provider—

- (a) paragraph (2) does not apply;
- (b) if M derives income from more than one entity as a non-GP provider, M's practitioner income in respect of only one of those may be taken into account for the purpose of establishing M's pensionable earnings.

(4) If, in addition to an employment mentioned in paragraph (1), M holds an honorary office or appointment, a distinction award payable to M as a consequence of holding the office or appointment is treated—

- (a) where M is in one employment, as pensionable earnings of that employment;
- (b) where M is in two or more employments, as pensionable earnings of such of the employments as the scheme manager thinks appropriate.

(5) In paragraph (1), a practitioner is a person who is—

- (a) a fully registered person (within the meaning of section 55 of the Medical Act 1983 <sup>M1</sup>) who is not a GP registrar and is—
  - (i) a medical practitioner;
  - (ii) an ophthalmic [<sup>F2</sup>provider]; or
  - (iii) a locum practitioner; or
- (b) a dental practitioner.

#### Textual Amendments

- F1** Reg. 27(1) Table substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **3(a)**
- F2** Word in reg. 27(5)(a)(ii) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **3(b)**

#### Marginal Citations

- M1** 1983 c.54.

#### Pensionable earnings: break in service

28.—(1) Paragraph (3) applies to a member (M) if—

- (a) the absence condition is satisfied; and

- (b) the earnings used to calculate M's pensionable earnings under regulation 27 are reduced or cease.
- (2) The absence condition is that M is absent from work because of—
- (a) illness or injury;
  - (b) maternity leave;
  - (c) adoption leave;
  - (d) paternity leave; or
  - (e) parental leave<sup>F3</sup>, shared parental leave or parental bereavement leave].
- (3) Amounts equal to the pensionable earnings that M would have received but for the absence are treated as having been paid to M.
- (4) Paragraph (3) does not apply to M as respects any period after the earnings used to calculate M's pensionable earnings under regulation 27 have ceased to be paid to M if—
- (a) M is neither a practitioner nor a non-GP provider; and
  - (b) M is within paragraph (2)(a).
- (5) For the purposes of regulations 27 to 31, amounts equal to reduced earnings to which paragraph (6) applies are treated as pensionable earnings.
- (6) The reduced earnings are the amount to which the earnings used to calculate M's pensionable earnings under regulation 27 are reduced—
- (a) for any period while M is within paragraph (2);
  - (b) for any period (period A) while M is within paragraph (2)(b) to (e) and during a period following that period (period B) whilst M continues to be within that paragraph and M's earnings are reduced to zero.
- (7) For the purposes of paragraph (6)(b)—
- (a) pay received by a woman on maternity leave in respect of days during which she returns to work for the purpose of keeping in touch with the workplace must be ignored;
  - (b) earnings reduced to zero in period B are treated as if they were reduced to the amount applicable to period A.
- (8) During any period of absence which counts as pensionable service under regulation 21(4) or (6) (up to 24 months leave of absence with full contributions), amounts equal to the rate of M's pensionable earnings immediately before the absence are treated as pensionable earnings.
- (9) This paragraph applies if M belongs to group D in regulation 27(1) and M's earnings have been reduced or ceased—
- (a) if M is one of a number of practitioners or non-GP providers who have elected that each practitioner's or non-GP provider's pensionable earnings are calculated as if the partnership's aggregate pensionable earnings were equal to the amount of the partnership's aggregate pensionable earnings for the period of 12 months ending immediately before M's earnings were reduced or ceased;
  - (b) in any other case, M is treated as having continued to receive the same average rate of pensionable earnings as during that period.
- (10) If the earnings used to calculate M's pensionable earnings cease during a period of absence specified in paragraph (2)—
- (a) a practitioner or non-GP provider within paragraph (2)(a) is treated as having continued in pensionable employment for a period of 12 months starting on the date on which M's earnings ceased and M will not be treated as having left pensionable employment until the end of that period;

- (b) a practitioner or non-GP provider falling within paragraph (2)(b) to (e) who paid contributions on the basis of reduced earnings in accordance with paragraphs (5) and (6) (b) will continue to pay contributions at that rate, but no refund of contributions or other benefit is payable until M actually leaves pensionable employment;
  - (c) a member other than a practitioner or non-GP provider is treated (subject to paragraph (7)) as having left pensionable employment, but no refund of contributions or other benefit is payable until M actually leaves pensionable employment.
- (11) For the purposes of paragraph (10)(a)—
- (a) during the 12 month period, the practitioner's or non-GP provider's pensionable earnings are to be calculated in accordance with paragraph (9)(a) or (b);
  - (b) at the end of the 12 month period, when M is regarded as having left pensionable employment, no refund of contributions or other benefit is payable until M leaves pensionable employment.
- (12) For the purposes of paragraph (10)(b), the rate of contributions payable is the rate that would have been payable on the basis of reduced earnings in accordance with paragraph (5) and (6)(a) had the practitioner's or non-GP provider's reduced earnings excluded earnings for a day during which the practitioner or non-GP provider, whilst on maternity leave, returned to work for the purpose of keeping in touch with the workplace.
- (13) If M fails to pay contributions which are required to be paid in respect of a period of absence to which this regulation applies—
- (a) M will be treated as having left pensionable employment; but
  - (b) no refund of contributions or other benefit is payable until M actually leaves pensionable employment.
- (14) Benefits payable on the death of a member whose earnings ceased during a period of absence to which paragraph (2) applies are calculated as if the member had died in pensionable employment the day before the earnings ceased.

#### Textual Amendments

- F3** Words in [reg. 28\(2\)\(e\)](#) substituted (6.4.2020) by [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), [regs. 1, 38\(3\)](#)

#### Pensionable earnings: more than one employment

**29.—**(1) This regulation applies if, at any time, a member (M) is in receipt of pensionable earnings in respect of two or more employments each of which is attributable to M belonging to any of groups A to C in the table in regulation 27.

(2) If it appears to the scheme manager that the total pensionable earnings for the employments exceeds the comparable amount, the excess is ignored for the purposes of this Part.

(3) The comparable amount is the amount that would be the pensionable earnings for a single comparable whole-time employment, not held concurrently with any other employment, under which services of the kinds performed in the two or more employments are performed.

(4) Each employing authority of M's must provide the scheme manager with such information relating to M's employment as the scheme manager requires for the purpose of enabling the scheme manager to determine what is a single comparable whole-time employment.

(5) In determining what is a single comparable whole-time employment, the scheme manager must have regard to guidance issued by the scheme actuary for the purpose.

- (6) It is immaterial whether one or more of the employments mentioned in paragraph (1)—
  - (a) is with the same employing authority; or
  - (b) is treated as a part-time employment.
- (7) An employment includes a contract to perform services.

**Members' contributions: employees**

**30.**—(1) This regulation applies in relation to an active member (M) who belongs to group A, B or C in regulation 27(1).

- (2) M must make contributions to this scheme (“members' contributions”)—
  - (a) in respect of M's pensionable earnings;
  - (b) at M's contribution rate for the scheme year in question.

(3) Where paragraph 2 of Schedule 9 (determination of pensionable earnings for the purposes of setting a contribution rate for members) applies, [<sup>F4</sup>M's contribution rate—

- (a) for the scheme year 2015/16 is the percentage specified in column 2 of Table 1 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall; <sup>F5</sup>...
- (b) for the scheme year 2016/17 is the percentage specified in column 2 of Table 2 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall][<sup>F6</sup>;
- (c) for the scheme year 2017/18 is the percentage specified in column 2 of Table 3 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall][<sup>F7</sup>;
- (d) for the scheme year 2018/19 is the percentage specified in column 2 of Table 4 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall][<sup>F8</sup>;
- (e) for the scheme year 2019/20 is the percentage specified in column 2 of Table 5 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall][<sup>F9</sup>;
- (f) for the scheme year 2020/21 is the percentage specified in column 2 of Table 6 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall];
- (g) [<sup>F10</sup>for the scheme year 2021/22 is the percentage specified in column 2 of Table 7 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall];
- (h) [<sup>F11</sup>from 1 April 2022 is the percentage specified in column 2 of Table 8 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall].

[<sup>F12</sup>Table 1]

<i>Column 1 Pensionable earnings band</i>	<i>Column 2 Contribution percentage rate</i>
Up to £15,828	5.2%
£15,829 to £21,601	5.8%
£21,602 to £27,089	7.3%

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015, CHAPTER 1. (See end of Document for details)

£27,090 to £49,967	9.5%
£49,968 to £71,337	12.7%
£71,338 to £111,376	13.7%
£111,377 and above	14.7%

[<sup>F13</sup>Table 2

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £16,128	5.2%
£16,129 to £21,817	5.8%
£21,818 to £27,360	7.3%
£27,361 to £50,466	9.5%
£50,467 to £72,050	12.7%
£72,051 to £112,490	13.7%
£112,491 and above	14.7%]

[<sup>F14</sup>Table 3

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £16,528	5.2%
£16,529 to £22,217	5.8%
£22,218 to £27,634	7.3%
£27,635 to £50,971	9.5%
£50,972 to £72,770	12.7%
£72,771 to £113,625	13.7%
£113,626 and above	14.7%]

[<sup>F15</sup>Table 4

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £16,928	5.2%
£16,929 to £22,439	5.8%
£22,440 to £27,910	7.3%
£27,911 to £51,481	9.5%

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
£51,482 to £73,498	12.7%
£73,499 to £114,760	13.7%
£114,761 and above	14.7%]

[<sup>F16</sup>Table 5

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £17,864	5.2%
£17,865 to £23,112	5.8%
£23,113 to £28,747	7.3%
£28,748 to £53,025	9.5%
£53,026 to £75,703	12.7%
£75,704 to £116,360	13.7%
£116,361 and above	14.7%]

[<sup>F17</sup>Table 6

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%
£28,892 - £56,266	9.5%
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%]

[<sup>F18</sup>Table 7

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £20,605	5.2%
£20,606 - £24,972	5.8%
£24,973 - £31,648	7.3%
£31,649 - £64,094	9.5%

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015, CHAPTER 1. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
£64,095 - £89,731	12.7%
£89,732 - £119,560	13.7%
£119,561 to any higher amount	14.7%]

[<sup>F19</sup>Table 8

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,614	5.2%
£21,615 - £25,981	5.8%
£25,982 - £32,914	7.3%
£32,915 - £66,017	9.5%
£66,018 - £92,423	12.7%
£92,424 - £123,147	13.7%
£123,148 to any higher amount	14.7%]

(4) The Scottish Ministers must—

- (a) with the consent of the Treasury; and
- (b) having considered the advice of the scheme actuary,

determine the pensionable earnings bands and contribution percentage rates <sup>F20</sup>... in respect of each subsequent scheme year.

(5) M's employing authority must deduct member contributions from M's pensionable earnings and pay them to the scheme manager not later than the 19th day of the month following that in which the earnings were paid to M.

(6) If M's employing authority has failed to deduct contributions pursuant to paragraph (5), the scheme manager may recover the amount of unpaid contributions by deduction from benefit payable to, or in respect of, M if the scheme manager has notified M of an intention to do so.

#### Textual Amendments

- F4** Words in reg. 30(3) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) Amendment Regulations 2016 \(S.S.I. 2016/97\)](#), regs. 1(1), **4(a)(i)**
- F5** Word in reg. 30(3) omitted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by virtue of [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2017 \(S.S.I. 2017/28\)](#), regs. 1(2), **5(a)**
- F6** Reg. 30(3)(c) and semi-colon inserted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2017 \(S.S.I. 2017/28\)](#), regs. 1(2), **5(b)**
- F7** Reg. 30(3)(d) and semi-colon inserted (31.1.2018) by [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2017 \(S.S.I. 2017/433\)](#), regs. 1(1), **3(a)**



- F8** Reg. 30(3)(e) and semi-colon inserted (1.4.2019) by The National Health Service Superannuation and Pension Schemes (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/46), regs. 1, **13(a)**
- F9** Reg. 30(3)(f) and semi-colon inserted (1.4.2020) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/30), regs. 1(2), **11(a)**
- F10** Reg. 30(3)(g) inserted (1.4.2021) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/102), regs. 1(2), **46(a)**
- F11** Reg. 30(3)(h) inserted (1.4.2022) by virtue of The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/117), regs. 1(2), **7(a)**
- F12** Words in reg. 30(3) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **4(a)(ii)**
- F13** Reg. 30(3) Table 2 inserted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **4(a)(iii)**
- F14** Reg. 30(3) Table 3 inserted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) (Miscellaneous Amendments) Regulations 2017 (S.S.I. 2017/28), regs. 1(2), **5(c)**
- F15** Reg. 30(3) Table 4 inserted (31.1.2018) by The National Health Service Pension Scheme (Scotland) (Miscellaneous Amendments) (No. 2) Regulations 2017 (S.S.I. 2017/433), regs. 1(1), **3(b)**
- F16** Reg. 30(3) Table 5 inserted (1.4.2019) by The National Health Service Superannuation and Pension Schemes (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/46), regs. 1, **13(b)**
- F17** Reg. 30(3) Table 6 inserted (1.4.2020) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/30), regs. 1(2), **11(b)**
- F18** Reg. 30(3) Table 7 inserted (1.4.2021) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/102), regs. 1(2), **46(b)**
- F19** Reg. 30 Table 8 inserted (1.4.2022) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/117), regs. 1(2), **7(b)**
- F20** Words in reg. 30(4) omitted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by virtue of The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **4(b)**

### **Members' contributions: practitioners and non-GP providers**

**31.**—(1) This regulation applies to an active member (M) who belongs to group D in regulation 27(1).

(2) M must make contributions to this scheme (members' contributions)—

- (a) in respect of M's pensionable earnings;
- (b) at M's contribution rate for the scheme year in question.

[<sup>F21</sup>(3) M's contribution rate—

- (a) for the scheme year 2015/16 is the percentage specified in column 2 of Table 1 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall; <sup>F22</sup>...
- (b) for the scheme year 2016/17 is the percentage specified in column 2 of Table 2 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall; <sup>F23</sup>;

- (c) for the scheme year 2017/18 is the percentage specified in column 2 of Table 3 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall<sup>[F24]</sup>;
- (d) for the scheme year 2018/19 is the percentage specified in column 2 of Table 4 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall<sup>[F25]</sup>;
- (e) for the scheme year 2019/20 is the percentage specified in column 2 of Table 5 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall<sup>[F26]</sup>;
- (f) for the scheme year 2020/21 is the percentage specified in column 2 of Table 6 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall;
- <sup>[F27]</sup>(g) for the scheme year 2021/22 is the percentage specified in column 2 of Table 7 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall;
- <sup>[F28]</sup>(h) from 1 April 2022 is the percentage specified in column 2 of Table 8 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.]
- (4) The Scottish Ministers must—
- (a) with the consent of the Treasury; and
  - (b) having considered the advice of the scheme actuary,
- determine the pensionable earnings bands and contribution percentage rates <sup>F29</sup>... in respect of each subsequent scheme year.
- (5) In determining members' contributions payable in accordance with this regulation, a contracting Health Board (or in the case of a dentist or ophthalmic <sup>[F30]</sup>provider], the Health Board with which that person has an arrangement to provide general dental services or general ophthalmic services), employing authority or someone appointed to act on their behalf must take account of pensionable earnings from all practitioner service.
- (6) An employing authority that is not a contracting Health Board must, in respect of pensionable earnings it pays to M, take advice from a relevant contracting Health Board (or someone appointed to act on its behalf) in determining the contributions payable in accordance with this regulation.
- (7) If M is engaged under a contract of service or for services by an employing authority or is a partner or shareholder in an employing authority that is not an OOH provider, the authority must—
- (a) deduct contributions due under this regulation from any pensionable earnings it pays to M; and
  - (b) if it is not also the contracting Health Board, pay the contributions to the contracting Health Board (or someone appointed to act on its behalf) not later than the 7th day of the month following the month in which the earnings were paid.
- (8) In any other case, M must pay members' contributions to the contracting Health Board or someone appointed to act on its behalf.
- (9) <sup>[F31]</sup>The Tables are]—

<sup>[F32]</sup>**Table 1]**

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<i>Column 1 Pensionable earnings band</i>	<i>Column 2 Contribution percentage rate</i>
Up to £15,828	5.2%

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£15,829 to £21,601	5.8%
£21,602 to £27,089	7.3%
£27,090 to £49,967	9.5%
£49,968 to £71,337	12.7%
£71,338 to £111,376	13.7%
£111,377 and above	14.7%

[<sup>F33</sup>Table 2

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £16,128	5.2%
£16,129 to £21,817	5.8%
£21,818 to £27,360	7.3%
£27,361 to £50,466	9.5%
£50,467 to £72,050	12.7%
£72,051 to £112,490	13.7%
£112,491 and above	14.7%]

[<sup>F34</sup>Table 3

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £16,528	5.2%
£16,529 to £22,217	5.8%
£22,218 to £27,634	7.3%
£27,635 to £50,971	9.5%
£50,972 to £72,770	12.7%
£72,771 to £113,625	13.7%
£113,626 and above	14.7%]

[<sup>F35</sup>Table 4

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £16,928	5.2%
£16,929 to £22,439	5.8%

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015, CHAPTER 1. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
£22,440 to £27,910	7.3%
£27,911 to £51,481	9.5%
£51,482 to £73,498	12.7%
£73,499 to £114,760	13.7%
£114,761 and above	14.7%]

[<sup>F36</sup>Table 5

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £17,864	5.2%
£17,865 to £23,112	5.8%
£23,113 to £28,747	7.3%
£28,748 to £53,025	9.5%
£53,026 to £75,703	12.7%
£75,704 to £116,360	13.7%
£116,361 and above	14.7%]

[<sup>F37</sup>Table 6

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%
£28,892 - £56,266	9.5%
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%]

[<sup>F38</sup>Table 7

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £20,605	5.2%
£20,606 - £24,972	5.8%

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
£24,973 - £31,648	7.3%
£31,649 - £64,094	9.5%
£64,095 - £89,731	12.7%
£89,732 - £119,560	13.7%
£119,561 to any higher amount	14.7%]

[<sup>F39</sup>Table 8

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,614	5.2%
£21,615 - £25,981	5.8%
£25,982 - £32,914	7.3%
£32,915 - £66,017	9.5%
£66,018 - £92,423	12.7%
£92,424 - £123,147	13.7%
£123,148 to any higher amount	14.7%]

(10) Regulations 37 and 38 and Schedule 10 make provision supplementary to this regulation and references [<sup>F40</sup>in regulation 37 to “the Table” are references to the applicable Table in paragraph (9) of this regulation].

#### Textual Amendments

- F21** Reg. 31(3) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) Amendment Regulations 2016 \(S.S.I. 2016/97\)](#), regs. 1(1), **5(a)**
- F22** Word in reg. 31(3) omitted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by virtue of [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2017 \(S.S.I. 2017/28\)](#), regs. 1(2), **6(a)(i)**
- F23** Reg. 31(3)(c) and semi-colon inserted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2017 \(S.S.I. 2017/28\)](#), regs. 1(2), **6(a)(ii)**
- F24** Reg. 31(3)(d) and semi-colon inserted (31.1.2018) by [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2017 \(S.S.I. 2017/433\)](#), regs. 1(1), **4(a)**
- F25** Reg. 31(3)(e) and semi-colon inserted (1.4.2019) by [The National Health Service Superannuation and Pension Schemes \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/46\)](#), regs. 1, **14(a)**
- F26** Reg. 31(3)(f) and semi-colon inserted (1.4.2020) by [The National Health Service Superannuation and Pension Schemes \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/30\)](#), regs. 1(2), **12(a)**

- F27** Reg. 31(3)(g) inserted (1.4.2021) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/102), regs. 1(2), **47(a)**
- F28** Reg. 31(3)(h) inserted (1.4.2022) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/117), regs. 1(2), **8(a)**
- F29** Words in reg. 31(4) omitted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by virtue of The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **5(b)**
- F30** Word in reg. 31(5) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **5(c)**
- F31** Words in reg. 31(9) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **5(d)(i)**
- F32** Words in reg. 31(9) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **5(d)(ii)**
- F33** Reg. 31(9) Table 2 inserted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **5(d)(iii)**
- F34** Reg. 31(9) Table 3 inserted (with effect in accordance with reg. 1(5) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) (Miscellaneous Amendments) Regulations 2017 (S.S.I. 2017/28), regs. 1(2), **6(b)**
- F35** Reg. 31(9) Table 4 inserted (31.1.2018) by The National Health Service Pension Scheme (Scotland) (Miscellaneous Amendments) (No. 2) Regulations 2017 (S.S.I. 2017/433), regs. 1(1), **4(b)**
- F36** Reg. 31(9) Table 5 inserted (1.4.2019) by The National Health Service Superannuation and Pension Schemes (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/46), regs. 1, **14(b)**
- F37** Reg. 31(9) Table 6 inserted (1.4.2020) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/30), regs. 1(2), **12(b)**
- F38** Reg. 31(9) Table 7 inserted (1.4.2021) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/102), regs. 1(2), **47(b)**
- F39** Reg. 31(9) Table 8 inserted (1.4.2022) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/117), regs. 1(2), **8(b)**
- F40** Words in reg. 31(10) substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by The National Health Service Pension Scheme (Scotland) Amendment Regulations 2016 (S.S.I. 2016/97), regs. 1(1), **5(e)**

### Contributions by employing authorities

**32.**—(1) The employing authority of an active member of this scheme must contribute to the scheme in respect of the pensionable earnings of the member at the employer's standard rate: [<sup>F41</sup>20.9%].

(2) Paragraph (3) applies if—

- (a) during the same period a person who belongs to any of groups A to C in the table in regulation 27(1) holds more than one employment (whether under a contract of service or for services) with an employing authority; and
- (b) that person is an active member of this scheme in respect of each employment.

(3) This regulation and regulations 33 and 34 apply in respect of each employment as if it were the only employment held by the person.

(4) The Scottish Ministers may direct that for the purposes of this Part, “employing authority” includes one or more of the following—

- (a) a successor, transmittee or assignee of an employing authority's business or functions;
- (b) the last employing authority of a person to whom these Regulations apply.

(5) The employing authority's standard rate contribution must be paid to the scheme manager not later than the 19th day of the month following that in which the member is paid the pensionable earnings to which the contribution relates.

(6) A member's employing authority is determined in accordance with the following table where column 1 describes the nature of the member's engagement in the provision of health services and column 2 identifies the employing authority relating to that engagement.

<i>Column 1 Nature of employment</i>	<i>Column 2 Employing authority</i>
Employment by an NHS organisation	The NHS organisation
Employment by a Section 17C Agreement provider, GMS practice, HBPMS contractor or OOH provider	The Section 17C Agreement provider, GMS practice, HBPMS contractor or OOH provider in question
Employment by a determination employer	The determination employer
Medical practitioner employed by a medical contractor or non-GP provider on a locum basis	The Health Board or someone appointed to act on its behalf
Medical contractor or non-GP provider (including an [F42 ophthalmic provider] with a GOS contract)	The Health Board or someone appointed to act on its behalf
General dental practitioner	The Health Board or someone appointed to act on its behalf
Dental contractor	The dental contractor

#### **Textual Amendments**

- F41** Word in reg. 32(1) substituted (1.4.2019) by [The National Health Service Superannuation and Pension Schemes \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/46\)](#), regs. 1, **15**
- F42** Words in reg. 32(6) Table substituted (with effect in accordance with reg. 1(2) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) Amendment Regulations 2016 \(S.S.I. 2016/97\)](#), regs. 1(1), **6**

#### **Employing authority contributions: interests of efficiency**

**33.—**(1) This regulation applies if—

- (a) a member's (M) employment is terminated by M's employing authority in the interests of the efficient discharge of the employing authority's functions; and
- (b) M will become entitled to payment of a pension under regulation 80 on the entitlement day for a premature retirement pension.

(2) The employing authority must make a contribution to the scheme manager in respect of the amount the scheme manager determines is required to meet the cost of paying the premature retirement pension under regulation 80.

(3) Paragraph (4) applies if—

- (a) a pension becomes payable to M under regulation 80 in respect of the termination of M's employment with an employing authority ("the first authority"); and
  - (b) M elects that at the same time a pension also becomes payable to M in respect of pensionable service with one or more other employing authorities.
- (4) The first authority must also make any additional contribution for which the other employing authority or authorities would be liable in accordance with paragraph (2) if the other authority or authorities had terminated M's employment as mentioned in paragraph (1)(a).
- (5) An employing authority is not responsible for meeting any costs in respect of the early payment of benefits to the extent that the benefits are attributable to contributions made under Chapter 5 of Part 4 (additional pension).
- (6) An employing authority must pay contributions under this regulation by a single payment made within one month of the date on which the pension under regulation 80 becomes payable.
- (7) The scheme manager, on the advice of the scheme actuary, must determine—
- (a) the costs mentioned in paragraph (2);
  - (b) the amount of the payment mentioned in paragraph (5).

#### **Employing authority contributions: redundancy**

- 34.**—(1) This regulation applies if—
- (a) a member's (M) employment is terminated by reason of redundancy; and
  - (b) M will become entitled to payment of a pension under regulation 81 on the entitlement day for a premature retirement pension.
- (2) M's employing authority must make a single lump sum contribution to the scheme manager of the relevant amount.
- (3) The contribution must be paid within one month of the date on which the pension under regulation 81 became payable.
- (4) The relevant amount is the amount the employing authority is required to pay to M in consequence of M's redundancy.

#### **Interest and administration charges: late paid contributions**

- 35.**—(1) There is a chargeable event if an employing authority fails to pay contributions it is required to pay under regulation 30, 31, 32, 33, 34, 47 or 56 on or before the date specified in the regulation concerned.
- (2) Where there is a chargeable event, the scheme manager may determine what amount of contributions are unpaid having regard to—
- (a) the amount of contributions historically paid at a chargeable event by that employing authority;
  - (b) any reasons or explanation provided by the employing authority for the change in the amount of contributions (if any) it has paid at such an event;
  - (c) any other factors that the scheme manager considers relevant.
- (3) Where there is a chargeable event, the employing authority is liable to pay—
- (a) standard rate interest on the amount of unpaid contributions constituting that event; and
  - (b) an administration charge in respect of each such event.
- (4) Where the scheme manager becomes aware of a chargeable event, the scheme manager must give the employing authority a written notice specifying—



- (a) the date of the chargeable event;
  - (b) the amount of unpaid contributions determined under paragraph (2);
  - (c) the amount of interest at the standard rate payable in respect of that event;
  - (d) the amount of administration charge payable in respect of it;
  - (e) that payment of the amounts referred to in paragraphs (c) and (d) is to be made before the end of the period of 1 month starting with the date of the notice and that failure to do so incurs further interest and administration charges.
- (5) An amount payable by way of interest or payable by way of an administration charge is to be paid as a single lump sum unless the scheme manager—
- (a) considers the case to be exceptional; and
  - (b) considers it appropriate for all, or part, of the amount to be paid over a period and by a number of instalments determined by the scheme manager.
- (6) Where the scheme manager considers the case to be exceptional, nothing in the preceding paragraphs prevents the scheme manager from waiving all or any part of the amount of interest, or all or any administration charges, payable.
- (7) The standard rate of interest is the Superannuation Contributions Adjusted for Past Experience Discount rate set by the Treasury <sup>M2</sup>.
- (8) The administration charge in respect of arrears in respect of the scheme year 2015-2016 and subsequent years is £75.
- (9) In any particular case the Scottish Ministers may direct that, for the purposes of this regulation, “employing authority” includes one or more of a successor, transmittee or assignee of all or part of an employing authority's business or functions.

**Marginal Citations**

**M2** The Treasury power to make directions under section 11 of the 2013 Act is relevant.

**Member contributions: records and estimates**

- 36.**—(1) An employing authority must, in respect of a person, keep a record of—
- (a) contributions paid under regulation 30, 47, 61 or 63;
  - (b) contributions due under regulation 30, 47, 61 or 63, but unpaid;
  - (c) contributions paid under regulation 32<sup>F43</sup>, 33 or 34];
  - (d) contributions due under regulation 32<sup>F44</sup>, 33 or 34], but unpaid;
  - (e) hours or sessions of service if the employment is not whole time employment;
  - (f) pensionable earnings;
  - (g) absences from work referred to in regulation 21;
  - (h) starting and termination of pensionable employment;
  - (i) reasons for termination of pensionable employment.
- (2) The record must be kept in a manner approved by the scheme manager.
- (3) Unless the scheme manager waives the requirement, an employing authority must provide a composite statement in respect of the matters referred to in paragraph (1) in respect of all scheme members to the scheme manager before the end of the period of 2 months starting with the end of each scheme year.

(4) Where—

- (a) an employing authority has provided information in accordance with paragraph (3); and
- (b) there is a change to the information,

the authority must, before the end of the period of one month after the change, provide the scheme manager with the revised information.

(5) An employing authority must provide to the scheme manager in respect of each scheme year details of the total contributions paid for all scheme members under regulations 30, 32, 61 and 63 and the details must be provided—

- (a) before the end of the period of 2 months after a request for the information is made;
- (b) in a manner prescribed by the scheme manager.

(6) Where—

- (a) an employing authority has provided the information requested in paragraph (5); and
- (b) there is a revision to the total contributions made,

the authority must, before the end of the period of one month after the revision, provide the scheme manager with the revised total.

(7) An employing authority must, in respect of each scheme year, provide to the scheme manager a statement of estimated total contributions under regulations 30, 32, 47, 61 and 63—

- (a) not later than one month before the start of the scheme year;
- (b) in a manner required by the scheme manager.

#### Textual Amendments

**F43** Words in [reg. 36\(1\)\(c\)](#) inserted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2017 \(S.S.I. 2017/28\)](#), [regs. 1\(2\)](#), [7\(a\)](#)

**F44** Words in [reg. 36\(1\)\(d\)](#) inserted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2017 \(S.S.I. 2017/28\)](#), [regs. 1\(2\)](#), [7\(b\)](#)

#### Members contributions: supplementary: medical practitioners, non-GP providers

**37.—(1)** This regulation applies to a member (M) who belongs to group D in regulation 27(1) by virtue of being—

- (a) a medical practitioner; or
- (b) a non-GP provider.

(2) Paragraph (3) applies if, in respect of a scheme year, M—

- (a) has certified M's pensionable earnings in accordance with Part 1 of Schedule 10 and forwarded a record of the earnings to the contracting Health Board (or someone appointed to act on its behalf); or
- (b) was not required to certify M's earnings in accordance with Part 1 of Schedule 10 but the contracting Health Board (or someone appointed to act on its behalf) has the figure that represents M's pensionable earnings for that year.

(3) M's contributions payable for the scheme year in question are those specified in column 2 of the Table in respect of the amount of pensionable earnings referred to in column 1 of the Table which corresponds to the aggregate of—

- (a) certified or final pensionable earnings from all group D sources uprated according to the formula—

$$\frac{PE}{NDPS} \times 365$$

where—

PE is the certified or final amount of M's pensionable earnings from all group D sources for the year;

NDPS is the number of days of group D service from the date that M's service commenced in the scheme year to the end of the scheme year; and

- b any additional pensionable earnings M is treated as having received during an absence from work in accordance with regulation 28.

(4) If paragraph (3) does not apply to M in respect of a scheme year, M must pay contributions at the rate in column 2 of the Table on the basis of whichever of the following the contracting Health Board (or someone appointed to act on its behalf) considers the most appropriate in the circumstances—

- (a) an amount of M's earnings that has been agreed between M and the contracting Health Board (or someone appointed to act on its behalf);
- (b) an amount of M's earnings that corresponds to M's most recent certified or final pensionable earnings referred to in paragraph (2); or
- (c) an amount of M's earnings that corresponds to the estimate by the Contracting Health Board (or someone appointed to act on its behalf) of M's pensionable earnings from all group D sources for that year.

(5) If paragraph (4) applies to M in respect of a scheme year and paragraph (2)(a) or (b) is subsequently satisfied in respect of that year, M must pay contributions at the rate determined in accordance with paragraph (3).

(6) A contracting Health Board (or someone appointed to act on its behalf) may adjust M's contribution rates for a scheme year determined in accordance with paragraph (4)—

- (a) by agreement between M and the contracting Health Board (or someone appointed to act on its behalf); or
- (b) without such agreement, if the contracting Health Board (or someone appointed to act on its behalf) is satisfied that M's pensionable earnings will exceed the amount used to so determine the contribution rate.

(7) If M concurrently belongs both to group D and to any of groups A to C in regulation 27(1)—

- (a) contributions payable in respect of M's service for the purposes of group D must be determined under this regulation; and
- (b) contributions payable in respect of M's service for the purposes of any of groups A to C must be determined under regulation 30.

(8) In the application of this regulation to a non-GP provider who derives income from more than one group D source, a reference to all group D sources must be construed as a reference to such one of those sources as the non-GP provider specifies for the purposes of this regulation.

(9) If M is a locum practitioner who is not also a principal practitioner—

- (a) M must pay contributions from group D earnings at the rate in column 2 of the table in regulation 31(9) based on income from all sources; and

- (b) M must pay those contributions to the scheme [<sup>F45</sup>manager] no later than the 19th day following the month in which the earnings were paid.
- (10) If M is an assistant practitioner, M must pay contributions from group D earnings at the rate in column 2 of the Table in regulation 31(9).
- (11) If M has more than one assistant practitioner post—
  - (a) M must provide M's employer with an estimate of income from all employments; and
  - (b) M must pay contributions at the rate in column 2 of the Table in regulation 31(9), taking into account M's income from all employments.

#### Textual Amendments

- F45** Word in [reg. 37\(9\)\(b\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.S.I.) by [The National Health Service Pension Scheme \(Scotland\) Amendment Regulations 2016 \(S.S.I. 2016/97\)](#), [regs. 1\(1\), 7](#)

#### Members contributions: supplementary: dental practitioners

- 38.**—(1) This regulation applies to a member (M) who belongs to group D in regulation 27(1) by virtue of being a general dental practitioner.
- (2) The Health Board with whom M has an arrangement to provide services (or someone appointed to act on its behalf) will determine the level of M's contributions based on the information it holds of estimated earnings.
- (3) The Health Board (or someone appointed to act on its behalf) may adjust M's contribution rates for a scheme year determined in accordance with paragraph (2)—
- (a) by agreement between M and the Health Board (or someone appointed to act on its behalf); or
  - (b) without such agreement, if the Health Board (or someone appointed to act on its behalf) is satisfied that M's pensionable earnings will exceed the amount used to determine the contribution rate.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Pension Scheme (Scotland) Regulations 2015, CHAPTER 1.