
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 28

The National Health Service Pension Scheme (Scotland)
(Miscellaneous Amendments) Regulations 2017

PART 2

Amendment of the National Health Service
Pension Scheme (Scotland) Regulations 2015

General

2. The National Health Service Pension Scheme (Scotland) Regulations 2015⁽¹⁾ are amended in accordance with regulations 3 to 27.

Regulation 21

3. In regulation 21 (absence from work), in paragraph (1)(e) after “leave” insert “or shared parental leave”.

Regulation 28

4. In regulation 28 (pensionable earnings: break in service), in paragraph (2)(e) after “leave” insert “or shared parental leave”.

Regulation 30

5. In regulation 30 (members’ contributions: employees), in paragraph (3)—

(a) omit “and” following sub-paragraph (a);

(b) after sub-paragraph (b), insert—

“;

(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”; and

(c) after Table 2, insert—

“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%

(1) [S.S.I. 2015/94](#), as amended by [S.S.I. 2016/97](#).

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<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
£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%

Regulation 31

6. In regulation 31 (members' contributions: practitioners and non-GP providers)—
- (a) in paragraph (3)—
- (i) omit “and” following sub-paragraph (a); and
- (ii) after sub-paragraph (b), insert—
- “;
- (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”; and
- (b) in paragraph (9), after Table 2 insert—

“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%

Regulation 36

7. In regulation 36 (members' contributions: records and estimates), in paragraph (1)—
- (a) in sub-paragraph (c), after “regulation 32” insert “, 33 or 34”; and
- (b) in sub-paragraph (d), after “regulation 32” insert “, 33 or 34”.

Regulation 39

8. In regulation 39 (eligibility for refund), in paragraph (2)(a) for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

Regulation 40

9. In regulation 40 (amount of refund)—

- (a) in paragraph (1)(a), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”; and
- (b) in paragraph (6)(b), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

Regulation 67

10. In regulation 67 (effect of being absent or leaving and rejoining scheme during contributions payment period), in paragraph (1)(e) after “leave” insert “or shared parental leave”.

Regulation 91

11. In regulation 91 (annual rate of ill-health pension), in paragraph (3) in the definition of “E” for “M’s” substitute “the day before M reaches”.

Regulation 93

12. In regulation 93 (early retirement on ill-health (deferred members)), in paragraph (2)(c)(i) for “paragraph (1)(b)” substitute “paragraph (1)”.

Regulation 109

13. In regulation 109 (guaranteed minimum pension etc.), in paragraph (10)(c) for “regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996” substitute “regulation 25 of the Occupational Pension Schemes (Schemes that were Contracted-out) (No. 2) Regulations 2015(2)”.

Regulation 114

14. In regulation 114 (amount of pension: survivor of active member), for paragraph (8)(b) substitute—

- “(b) sub-paragraph (a) does not apply if—
 - (i) the Scottish Ministers’ liability to provide a guaranteed minimum pension in respect of the surviving adult dependent is discharged by the payment of a contributions equivalent premium under section 55(2) of the 1993 Act; or
 - (ii) a surviving widow, widower or civil partner has been convicted of an offence specified in paragraph 12 of schedule 3 and the Scottish Ministers directed, as a consequence of that conviction, that the person’s rights to a payment in respect of the member’s death is forfeit.”.

Regulation 117

15. In regulation 117 (recent leavers)—

- (a) in paragraph (2), for “recent leaver’s” substitute “surviving spouse’s or surviving civil partner’s”; and

(b) for paragraph (3), substitute—

“(3) Paragraph (2) does not apply if—

- (a) the Scottish Ministers liability to provide a guaranteed minimum pension in respect of the surviving spouse or civil partner is discharged by the payment of a contributions equivalent premium under section 55(2) of the 1993 Act; or
- (b) a surviving widow, widower or surviving civil partner has been convicted of an offence specified in paragraph 12 of schedule 3 and the Scottish Ministers directed, as a consequence of that conviction, that the person’s rights to a payment in respect of the member’s death is forfeit.”.

Regulation 122

16. In regulation 122 (amount of child pension: deceased active member), in paragraph (3) in the definition of “B” after “day” insert “before”.

Regulation 123

17. In regulation 123 (amount of child pension: deceased pensioner member), in paragraph (3)(b) for “A is the deceased’s annual pension” substitute “A is the deceased’s annual pension not including any Upper Tier addition determined in accordance with regulation 91(3)”.

Regulation 124

18. In regulation 124 (amount of child pension: deceased deferred member), in paragraph (1)(b) omit “an active member or”.

Regulation 130

19. In regulation 130 (application of Part), in paragraph (1)—

- (a) in sub-paragraph (a), for “Chapter 4 of Part 4 of the 1993 Act (transfer values)” substitute “Chapter 1 of Part 4ZA of the 1993 Act (transfer rights: general)”; and
- (b) in sub-paragraph (b), for “Chapter 5” substitute “Chapter 2”.

Regulation 131

20. In regulation 131 (interpretation of Part), in paragraph (b) of the definition of “transfer value payment” for “Chapter 4 of Part 4” substitute “Chapter 1 of Part 4ZA”.

Regulation 133

21. In regulation 133 (right to transfer value payment)—

- (a) in paragraph (2), for “Chapter 4 of Part 4” substitute “Chapter 1 of Part 4ZA”; and
- (b) in paragraph (3), for “Chapter 5” substitute “Chapter 2”.

Regulation 137

22. In regulation 137 (how transfer value payments may be applied)—

(a) for paragraph (1), substitute—

“(1) A deferred member (DM) may require the scheme manager to apply the guaranteed cash equivalent transfer value payment only in one of the ways permitted under section 95 of the 1993 Act.”;

- (b) in paragraph (2), for “M” substitute “a member”;
- (c) in paragraph (4), for “M’s” (twice) substitute “DM’s”; and
- (d) after paragraph (5), insert—
 - “(6) Paragraph (1) applies whether or not DM is entitled to a guaranteed cash equivalent transfer value payment under Chapter 1 of Part 4ZA of the 1993 Act.”.

Regulation 140

23. In regulation 140 (right to apply for acceptance of transfer value payment), in paragraph (5) for “(extinguishment of liability of scheme for pensions secured by insurance policies or annuity contracts)” substitute “(discharge of liability where guaranteed minimum pensions secured by insurance policies or annuity contracts)”.

Schedule 3

- 24.** In schedule 3 (administrative matters)—
- (a) in paragraph 6(2)(a), after “requirements” insert “mentioned in section 9(2) of the 1993 Act”; and
 - (b) in paragraph 12(6), after “sub-paragraph (2)(b)” insert “or if sub-paragraph (4) applies”.

Schedule 4

- 25.** In schedule 4 (opting out and re-joining), for paragraph 1(6) substitute—
- “(6) If the person gives a notice mentioned in sub-paragraph (1), the notice must relate to all of the employments or engagements to which group D applies.
 - (7) Sub-paragraph (8) applies if a person—
 - (a) belongs, or would belong, to groups A, B or C in regulation 27(1); and
 - (b) has more than one employment to which those groups apply.
 - (8) Subject to regulation 29, the person may give a notice as mentioned in sub-paragraph(1) in respect of any, or all, of the employments to which group A, B or C applies.”.

Schedule 9

- 26.** In schedule 9 (determination of pensionable earnings: setting contribution rates), in paragraph 3—
- (a) in sub-paragraph (1), for “Table 2” substitute “Table 3”; and
 - (b) in sub-paragraph (2)(a), for “Table 2” substitute “Table 3”.

Schedule 13

27. In schedule 13 (definitions), after the definition of “Section 17C Agreement provider” insert—

“shared parental leave	regulation 3(1) of the Shared Parental Leave Regulations 2014(3)
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