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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 102**

**The National Health Service Superannuation  
and Pension Schemes (Miscellaneous  
Amendments) (Scotland) Regulations 2021**

**PART 2**

**Amendment of the National Health Service  
Superannuation Scheme (Scotland) Regulations 2011**

**General**

**2.** The National Health Service Superannuation Scheme (Scotland) Regulations 2011<sup>(1)</sup> are amended in accordance with regulations 3 to 28.

**Amendment of regulation A2**

**3.—**(1) Regulation A2 (interpretation) is amended as follows.

(2) At the appropriate places in the alphabetical order insert—

““scheme partner” has the meaning given in G14(7)”,

““surviving scheme partner” has the meaning given in the regulation G14(8);”.

**Amendment of regulation D1**

**4.** In regulation D1 (contributions by members)—

(a) in paragraph (2)—

(i) after sub-paragraph (f)<sup>(2)</sup>, insert—

“(g) for the scheme year 2021-22 is the percentage specified in column 2 of table 7 in respect of the corresponding pensionable pay band specified in column 1 of that table into which the member’s pensionable pay falls.”,  
and

(ii) after table 6<sup>(3)</sup>, insert—

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(1) S.S.I. 2011/117. Relevant amending instruments are S.S.I. 2012/163, S.S.I. 2013/109, S.S.I. 2014/43, S.S.I. 2014/154, S.S.I. 2015/96, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2017/434, S.S.I. 2019/46 and S.S.I. 2020/30.  
(2) Sub-paragraph (f) was inserted by S.S.I. 2020/30.  
(3) Table 6 was inserted by S.S.I. 2020/30.

**“Table 7**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable pay 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%
£64,095 - £89,731	12.7%
£89,732 - £119,560	13.7%
£119,561 to any higher amount	14.7%”

(b) in paragraph (2A)(4)—

- (i) for “2020-21”, substitute “2021-22”, and
- (ii) for “table 6”, substitute “table 7”, and

(c) in each of paragraphs (20), (21)(a) and (25)(b)(5), for “table 6” substitute “table 7”.

#### **Amendment of regulation F5**

5. In regulation F5 (payment of a lump sum), for paragraph (12) substitute—

“(12) In this regulation “surviving partner” means—

- (a) a surviving scheme partner; or
- (b) one of the following, who survives the member—
  - (i) a widow;
  - (ii) a widower;
  - (iii) a civil partner.”.

#### **Amendment of regulation G6**

6. In regulation G6 (widow’s pension when member marries after leaving pensionable employment), in paragraph (4)(6)—

- (a) for “nominated partner” substitute “scheme partner”,
- (b) for “nominated partner’s pension” substitute “scheme partner’s pension”,
- (c) for “nominated partner pension” substitute “surviving scheme partner’s pension”.

#### **Amendment of regulation G9**

7. In regulation G9 (increased widower’s pension), in paragraph (4)(b)(7), for “nominated partner” substitute “scheme partner”.

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(4) Paragraph (2A) was inserted by [S.S.I. 2013/168](#) and substituted [S.S.I. 2017/434](#).

(5) Each of these paragraphs has been previously amended by [S.S.I. 2015/93](#) and [2020/30](#) (inserting “table 6” which is now being replaced).

(6) Paragraph (4) was inserted by [S.S.I. 2013/109](#).

(7) Paragraph (4) was amended by [S.S.I. 2015/96](#).

### **Amendment of regulation G10**

- 8.—(1) Regulation G10 (surviving civil partner’s pension) is amended as follows.
- (2) In paragraph (2), omit “Subject to paragraph (3),”.
- (3) Omit paragraphs (3), (4) and (5).

### **Omission of regulation G11**

9. Omit regulation G11 (dependant surviving civil partner’s pension).

### **Omission of regulation G12**

10. Omit regulation G12 (purchase of surviving civil partner’s pension in respect of service prior to 6 April 1988).

### **Omission of regulation G13**

11. Omit regulation G13 (increased surviving civil partner’s pension).

### **Amendment of regulation G14**

12. For regulation G14 (surviving nominated partner’s pension), substitute—

#### **“Surviving scheme partner’s pension**

**G14.**—(1) This regulation applies on the death of a member, if—

- (a) the member has pensionable service on or after 1st April 2011,
- (b) the member dies in any of the circumstances described in regulations G2 to G6, and
- (c) the member leaves a surviving scheme partner.

(2) Where this regulation applies, a surviving scheme partner is entitled to a surviving scheme partner’s pension.

(3) A surviving scheme partner’s pension is calculated and paid—

- (a) in accordance with regulations G1 to G6, as they apply to pensions for widows, and
- (b) excluding any part of the member’s benefit that is based on pensionable service before 6th April 1988.

(4) Paragraph 3(b) is subject to the following—

(a) if regulation G2(3) or (6) or regulation G4(2) or (3) applies to the calculation of a surviving scheme partner’s pension on a member’s death in pensionable employment or with a preserved pension—

(i) the whole of the member’s pensionable service is taken into account when calculating whether and, if so, the extent to which there would have been an increase, by the application of regulation E2(4) or regulation E3(4), in the pensionable service on which the member’s pension, under regulation E2 or regulation E3, would have been based, and

(ii) the whole period, if any, by which the member’s pension would have increased, is treated in this regulation as pensionable service after 5th April 1988 for the purpose of calculating a surviving scheme partner’s pension,

(b) if regulation G3(2) applies, so that the surviving scheme partner's pension is equal to the member's pension for a limited period, the surviving scheme partner's pension for that limited period is equal to the whole of the member's pension.

(5) If regulation G6 applies, paragraph (1) of that regulation applies as if the words "where the member and his wife were not married to each other during any period of pensionable employment" read "if Scottish Ministers are not satisfied that a member's partner was the member's scheme partner for a continuous period of at least two years ending on the member's last day of pensionable service".

(6) A reference in these Regulations to regulation G1 to G6 means, in relation to benefits in respect of a member who has a scheme partner, those regulations as applicable to the member's surviving scheme partner.

(7) A person ("P") is the scheme partner of a member if—

- (a) the member and P are living together as if they were husband and wife or civil partners,
- (b) the member and P are not prevented from marrying or entering into a civil partnership,
- (c) the member and P are financially interdependent or P is financially dependent on the member, and
- (d) neither the member nor P is living with a third person as if they were husband and wife or as if they were civil partners.

(8) A person is a surviving scheme partner of a member if the Scottish Ministers are satisfied that for a continuous period of at least two years, ending with the member's death, the person was the scheme partner of that member."

### **Amendment of regulation G15**

**13.**—(1) Regulation G15 (dependent surviving nominated partner's pension) is amended as follows.

(2) In the heading for "nominated partner's" substitute "scheme partner's".

(3) For paragraph (1), substitute—

"(1) A member may apply for the member's scheme partner to receive a dependent surviving scheme partner's pension on the member's death.

(1A) An application must—

- (a) be made by the member giving notice in writing to the Scottish Ministers before leaving pensionable employment, and
- (b) be in relation to a person who has been the member's scheme partner for a continuous period of at least two years on the member's last day of pensionable service."

(4) In paragraph (2) for "nominated partner" substitute "scheme partner".

(5) For paragraph (3), substitute—

"(3) If the Scottish Ministers have accepted a member's application and the member subsequently dies before the member's scheme partner, a scheme partner entitled to a surviving scheme partner's pension is entitled to a dependent surviving scheme partner's pension."

(6) In paragraph (4) for "nominated partner's" substitute "scheme partner's".

(7) In paragraph (5) for "nominated partner's" substitute "scheme partner's".

(8) In paragraph (6) for “nominated partner” substitute “scheme partner”.

#### **Amendment of regulation G16**

14. In regulation G16 (purchase of surviving partner’s pension in respect of service before 6 April 1988), in paragraph (5), omit sub-paragraph (b).

#### **Amendment of regulation G17**

15. In regulation G17 (increased surviving partner’s pension), in paragraph (2)—

- (a) omit “, civil partner”,
- (b) for “nominated partner” substitute “surviving scheme partner”,
- (c) omit “, regulation G10”.

#### **Amendment of regulation H1**

16. In regulation H1 (dependent child), in paragraph (1)—

- (a) in sub-paragraph (c) for “nominated partner” substitute “surviving scheme partner”,
- (b) for sub-paragraph (e) substitute—
  - “(e) a child of a member’s surviving scheme partner if the Scottish Ministers are satisfied that the surviving scheme partner was the member’s scheme partner before that date on which the member leaves pensionable employment.”.

#### **Amendment of regulation H3**

17.—(1) Regulation H3 (child allowance when member dies in pensionable employment) is amended as follows.

- (2) In paragraph (6) for “nominated partner” substitute “scheme partner”.
- (3) In paragraph (7)—
  - (a) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”,
  - (b) for “nominated partner” substitute “scheme partner”.
- (4) In paragraph (8)—
  - (a) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”,
  - (b) for “nominated partner” substitute “scheme partner”.
- (5) In paragraph (9) for “nominated partner” substitute “scheme partner”.
- (6) In paragraph (10) for “nominated partner” substitute “scheme partner”.

#### **Amendment of regulation H4**

18.—(1) Regulation H4 (child allowance when member dies after pension becomes payable) is amended as follows.

- (2) In paragraph (4) for “nominated partner” substitute “scheme partner”.
- (3) In paragraph (5)(8) for “nominated partner” substitute “scheme partner”.
- (4) In paragraph (6)—
  - (a) for “nominated partner” substitute “scheme partner”,

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(8) Regulation H4(5) was amended by [S.S.I. 2013/109](#).

- (b) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”.
- (5) In paragraph (7)—
  - (a) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”,
  - (b) for “surviving nominated partner” substitute “surviving scheme partner”.
- (6) In paragraph (8)—
  - (a) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”,
  - (b) for “surviving nominated partner” substitute “surviving scheme partner”.

#### **Amendment of regulation H5**

**19.**—(1) Regulation H5 (child allowance when member dies with preserved pension) is amended as follows.

- (2) In paragraph (7) for “nominated partner” substitute “scheme partner”.
- (3) In paragraph (8) for “nominated partner” substitute “scheme partner”.
- (4) In paragraph (9)—
  - (a) for “nominated partner” substitute “scheme partner”,
  - (b) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”.

#### **Amendment of regulation H7**

**20.**—(1) Regulation H7 (increase of child allowance when child not dependent on surviving parent or spouse, civil partner or nominated partner of a parent) is amended as follows.

- (2) In the heading for “nominated partner” substitute “scheme partner”.
- (3) In paragraph (1) for each reference to “nominated partner” substitute “scheme partner”.
- (4) In paragraph (2) for “nominated partner” substitute “scheme partner”.

#### **Amendment of regulation Q1**

**21.**—(1) Regulation Q1 (right to buy additional service) is amended as follows.

- (2) Omit paragraph (8).
- (3) In paragraph (9)—
  - (a) for “nominated partner’s pension” substitute “scheme partner’s pension”,
  - (b) for “nominated partner” substitute “scheme partner”.

#### **Amendment of regulation Q4**

**22.**—(1) Regulation Q4 (paying for unreduced retirement lump sum by single payment) is amended as follows.

- (2) Omit paragraph (3).
- (3) In paragraph (4)—
  - (a) for each reference to “nominated partner” substitute “scheme partner”,
  - (b) for “nominated partner’s pension” substitute “scheme partner’s pension”.

### **Amendment of regulation R3**

23. In regulation R3 (mental health officers), in paragraph (8)(b) for “nominated partner’s pension” substitute “scheme partner’s pension”.

### **Amendment of regulation S5**

24.—(1) Regulation S5 (benefits on death in pensionable employment after pension under regulation E2 becomes payable) is amended as follows.

(2) In paragraph (9) for each reference to “nominated partner” substitute “scheme partner”.

(3) In paragraph (11)(b) for “nominated partner” substitute “scheme partner”.

(4) In paragraph (14) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(5) In paragraph (15) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(6) In paragraph (16) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(7) In paragraph (17)(b) for “nominated partner pension” substitute “scheme partner’s pension”.

(8) In paragraph (18) for “nominated partner pension” substitute “scheme partner’s pension”.

### **Amendment of regulation S6**

25.—(1) Regulation S6 (benefits on death in pensionable employment after pension under regulation E3 becomes payable) is amended as follows.

(2) In paragraph (9) for each reference to “nominated partner” substitute “scheme partner”.

(3) In paragraph (11)(b) for “nominated partner” substitute “scheme partner”.

(4) In paragraph (14) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”.

(5) In paragraph (15) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”.

(6) In paragraph (16) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”.

(7) In paragraph (17) for “nominated partner” substitute “scheme partner”.

### **Amendment of regulation T7**

26. In regulation T7 (loss of rights of benefits), in paragraph 2(a) for “nominated partner” substitute “scheme partner”.

### **Amendment of regulation U2**

27. In regulation U2 (determination of questions), in paragraph (4)(b), omit “, regulation G11(2)”.

### **Amendment of schedule 1**

28.—(1) Schedule 1 (medical and dental practitioners) is amended as follows.

(2) In paragraph 14 (contributions to this Section of the scheme) of schedule 1 (medical and dental practitioners), in sub-paragraph (2)—

(a) after paragraph (g), insert—

“(h) in respect of the 2021-2022 scheme year, table 8”, and

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(b) after table 7(9), insert—

**“Table 8: Scheme Year 2021-22**

<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%
£64,095 - £89,731	12.7%
£89,732 - £119,560	13.7%
£119,561 to any higher amount	14.7%”

(3) Omit paragraph 20 (increased surviving civil partner’s pension).

(4) In paragraph 21 (increased dependent surviving nominated partner’s pension) for the words “nominated partner’s pension” in each place they occur substitute “scheme partner’s pension”.

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(9) Table 7 was inserted by S.S.I. 2020/30.