
STATUTORY INSTRUMENTS

1995 No. 365

**The National Health Service Superannuation
Scheme (Scotland) Regulations 1995**

PART B

MEMBERSHIP OF THE SCHEME

Membership of the scheme

B1.—(1) Subject to regulation B2 (age limits and restrictions on membership) the following persons are eligible to be included in the scheme:—

- (a) whole-time officers and part-time medical or dental officers;
- (b) medical and dental practitioners, assistant and associate general practitioners and trainee practitioners; and
- (c) any other part-time officer.

(2) A person included in sub-paragraphs (a) and (b) of paragraph (1) above will be included in the scheme automatically, provided he has not made an election under regulation B4 not to be included in the scheme.

(3) A part-time officer included in sub-paragraph (c) of paragraph (1) may elect to be included in the scheme and shall do so by giving notice in writing to the Secretary of State.

(4) Where the election under paragraph (3) is made within the first pay period the election shall take effect from the commencement of employment; otherwise it will take effect from the first day of the pay period immediately after the notice is received or such later date (which must be the first day of a pay period) as may be specified in the notice.

(5) Where there is a reduction in hours from whole-time to part-time without a break in service and the election is made within the first pay period following the reduction in hours the election will take effect from the first day of part-time employment; otherwise an election shall take effect from the first day of the pay period following the election unless a later date (which must be the first day of a pay period) is specified in the notice.

(6) A part-time officer who has been included in the scheme in terms of this regulation who ceases to be employed by an employing authority shall automatically be re-included in the scheme if he has been re-employed by the same employing authority within 12 months (extended as appropriate by any period of maternity or other absence from work to which regulation P1 or P2 applies) provided he has not made an election under regulation B4 not to be included in the scheme.

Age limits and restrictions on membership

B2. The following persons are ineligible to join the scheme:—

- (a) persons under age 16 or over age 70;
- (b) special class officers over age 65;

- (c) officers in “contributory service” under the Teachers’ Superannuation (Scotland) Regulations 1992(1) in any hospital vested in the Secretary of State; and
- (d) persons who hold honorary appointments except that this paragraph shall not apply if the person holding the honorary appointment at the same time holds other employment which entitles him to join the scheme.

Restrictions on further participation in the scheme

B3.—(1) Members may not continue to contribute to or accrue further rights under the scheme—

- (a) in the case of special class officers, on attaining age 65 or on completing 45 years pensionable service and reaching age 60 or over;
- (b) in the case of all other persons, on attaining age 70 or on completing 45 years’ pensionable service and reaching age 65 or over;
- (c) after opting out of the scheme in accordance with regulation B4.

(2) Except where regulation E2(11) applies (further pensionable employment under the age of 50 after early retirement pension (ill-health) becomes payable) or regulation E3(3) (concurrent employment where early retirement pension (redundancy etc.) becomes payable) applies, members to whom there became or becomes payable a pension under these Regulations or the 1980 Regulations, may not contribute to or accrue further rights under the scheme.

Opting out of the scheme

B4.—(1) A person who does not wish to, or who no longer wishes to, participate in the scheme may opt out of the scheme at any time by giving notice in writing to the employing authority.

(2) Subject to paragraph (4) unless a later date is specified in the notice, the notice shall take effect from the first day of the pay period immediately following its receipt by the employing authority.

(3) Subject to paragraphs (4) and (5), a member who opts out of the scheme will be treated as having left pensionable employment on the day the notice takes effect.

(4) A member who opts out of the scheme before the end of the first pay period during which the employing authority included the member in the scheme will be treated as never having been included in the scheme.

(5) A notice under this regulation will apply to any subsequent employment with the same employing authority irrespective of the length of the break in service unless and until a further notice is given under paragraph (1) of regulation B5.

(6) A person shall not be treated as having retired from pensionable employment by reason only of having opted out of the scheme.

Rejoining the scheme

B5.—(1) Subject to paragraph (2), a member who has opted out of the scheme in terms of regulation B4 may, if in NHS employment, rejoin the scheme by giving notice in writing to the employing authority. The member will be included in the scheme on the first day of the pay period immediately after the notice is received or such later date (which must be the first day of a pay period) as is specified in the notice.

(2) A member who has opted out of the scheme may not rejoin the scheme during a period of absence from work for any reason.

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