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STATUTORY INSTRUMENTS

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**1995 No. 365**

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

**PART P**

**ABSENCE FROM WORK**

**Maternity absence**

**P1.**—(1) A period of absence for pregnancy or confinement will count as pensionable service for so long as the member contributes to the scheme.

(2) If the earnings used to calculate a member's pensionable pay are reduced during a period of absence for pregnancy or confinement, then for the purpose of calculating the member's contributions to the scheme, pensionable pay for the period of absence will be calculated on the basis of the member's reduced earnings and if the member's earnings are subsequently suspended the member's contributions will be calculated on the basis of the member's reduced earnings immediately before the commencement of unpaid absence.

(3) If a member is not entitled to paid maternity leave under her terms of employment or under statute, for the purpose of calculating the member's contributions to the scheme, pensionable pay for the period of absence will be calculated on the basis of the member's pensionable pay immediately before the absence started.

(4) For all purposes (including employer contributions) other than calculating the member's contributions to the scheme, a member's pensionable pay for the period of absence for pregnancy or confinement will be calculated as if no reduction were being made.

**Absence because of illness or injury**

**P2.**—(1) This regulation applies to members who are absent from work because of illness or injury.

(2) If the earnings used to calculate a member's pensionable pay are reduced during a period of absence for illness or injury—

(a) for the purpose of calculating the member's contributions to the scheme, pensionable pay for the period of absence will be calculated on the basis of the member's reduced earnings; and

(b) for all other purposes, the member's pensionable pay for the period of absence will be calculated as if no reduction were being made.

(3) Except for the purpose of regulation Q3(4) (in which event no account will be taken of the suspension), if a member's earnings are suspended during a period of absence for illness or injury, the member will be treated as if he had left pensionable employment, except that the member will not be entitled to any benefits or refund of contributions until the member actually leaves pensionable employment.

(4) If, on account of illness or injury, a member leaves pensionable employment or, by virtue of paragraph (3), is treated as if he had left pensionable employment, without becoming entitled to a preserved pension, then if the member later returns to pensionable employment, regulation L1(4) (early leavers returning to pensionable employment) will apply as if the reference to “12 months” was a reference to “3 years”.

(5) The benefits payable on the death of a member whose earnings are suspended during a period of absence from work for illness or injury will be calculated as if the member had died in pensionable employment on the day before his earnings were suspended, unless the member has exercised the right to require a transfer or buy-out in accordance with regulation M1 (member’s right to require a transfer or buy-out).

**Absence for reasons other than illness or injury**

**P3.**—(1) This regulation applies to members who are absent from work for reasons other than illness or injury.

(2) If the earnings used to calculate a member’s pensionable pay are reduced or suspended during a period of leave of absence for reasons other than illness or injury, “pensionable pay” (and, consequently, the member’s contributions and benefits) for the period of absence will be calculated on the basis of the member’s earnings immediately before the absence started.

(3) A member who is absent from work without leave and whose earnings are suspended will be treated as if he had left pensionable employment, except that the member shall not be entitled to any benefits or a refund of contributions until the member returns to or actually leaves pensionable employment.