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STATUTORY INSTRUMENTS

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**1995 No. 365**

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

**PART V**

**MISCELLANEOUS AND SUPPLEMENTARY**

**Options to persons detrimentally affected by these Regulations**

**V1.**—(1) This regulation applies in relation to any pension which is payable under these Regulations to or in respect of a person who, having served in an employment or office, service in which qualified persons to participate in the benefits provided under the 1980 Regulations, has ceased to serve therein or died before these Regulations come into force.

(2) Where, in a case to which this regulation applies, any provision of these Regulations would operate in relation to any person so as to place that person in a worse position than he would have been in if the provision had not applied, that person may elect that the provision shall not so apply by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) shall be in writing and shall be delivered to the Secretary of State within 6 months of the coming into force of these Regulations.

(4) An election pursuant to paragraph (2) shall have effect in relation to the pension referred to in paragraph (1) only to the extent that such pension has accrued by virtue of contributions made and periods of service rendered prior to the cessation referred to in paragraph (1) (or, if there has been more than one such cessation, the last of them before the coming into force of these Regulations) and in determining entitlement to, and the amount of, the pension to that extent such person shall be treated as if he had never recommenced pensionable employment at any time after that cessation (or, as the case may be, the last such cessation).

**Revocations, savings and transitional provisions**

**V2.**—(1) The Regulations specified in column 1 of the Table in Schedule 3 are revoked to the extent specified in Column 3 of that Table.

(2) Without prejudice to section 16 of the Interpretation Act 1978<sup>(1)</sup>, where, prior to the coming into force of these Regulations, any of the following provisions of the 1980 Regulations applied in relation to a member, namely—

- (a) regulation 13 (continuation of previous arrangements in respect of additional benefits for certain transferred officers);
- (b) regulation 32 to 35 (continuation of previous arrangements in respect of additional contributory payments);
- (c) regulation 37(7) (part-time service before 15th December 1966 in respect of certain practitioners);

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(1) 1978 c. 30.

- (d) regulations 43 to 45 (benefits in the case of certain re-employed pensioners);
- (e) regulations 46 to 53 (optants and certain other arrangements);
- (f) regulation 63 (officers formerly employed in certain hospitals);
- (g) regulation 78 (continuation of contracts or policies of insurance in certain cases);
- (h) regulation 79 (provisions relating to a special class of practitioner); and
- (i) regulation 83 (provisions relating to contributions on a former higher rate of remuneration);

any rights and liabilities relating to that member by virtue of these provisions shall be deemed to continue to apply notwithstanding the revocation of those provisions.

(3) Anything done under or by virtue of any regulation revoked by these Regulations if it could have been done under or for the purposes of these Regulations, shall be deemed to have been done under or by virtue of the corresponding provision of these Regulations and anything begun under or by virtue of any such regulation may be continued under these Regulations as if begun under these Regulations.