
STATUTORY INSTRUMENTS

1995 No. 365

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

PART R

SPECIAL PROVISIONS FOR CERTAIN MEMBERS

Members doing more than one job

R4.—(1) This regulation applies to members in employment with more than one employing authority and members who hold, under one employing authority, two or more separate employments.

(2) A member may contribute to the scheme in respect of all or any of his employments with employing authorities, subject to an aggregated maximum of 365 days' whole-time equivalent pensionable employment; except that a member who is contributing to the scheme in respect of whole-time NHS employment cannot contribute to the scheme in respect of concurrent employment with the same or another employing authority.

(3) Subject to paragraphs (4) and (6), a member shall not become entitled to a pension under any of regulations E1 to E5 until the termination of all NHS employments (including employment as a practitioner) or until the member reaches age 70.

(4) If a member leaves employment with an employing authority and becomes entitled to a pension under regulation E3 (early retirement pension (redundancy etc.) in relation to the employment that has ended, the member may, instead of taking benefits in respect of all NHS employment, elect to take benefits only in respect of the employment that has ended and to continue to accrue benefits in respect of the other continuing pensionable employments.

(5) Where a member elects under paragraph (4), paragraph (3) will apply in relation to any employment in respect of which the member continues to accrue benefits.

(6) For the purposes of paragraph (3) a member, on leaving NHS employment, shall be treated as having terminated all NHS employment where any remaining NHS employment amounts to 16 hours per week or less.

(7) Regulation S2 (members who return to NHS employment after pension becomes payable) will apply to any member who becomes entitled to a pension under paragraph (4) while continuing to accrue benefits in respect of other NHS employment.

(8) In calculating the member's final year's pensionable pay there shall be taken into account pensionable pay in respect of any other pensionable employment in that final year except a pensionable employment in respect of which the member continues to accrue benefits in accordance with paragraph (4).

(9) A member will not receive a refund of contributions under regulation E9 (refund of contributions) until he leaves all pensionable employment without becoming entitled to a pension or a preserved pension under any of regulations E1 to E6.

(10) A member may only exercise a right to transfer or buy-out under Part M (transfers and buy-outs) if he leaves all NHS employment before reaching age 60 in the case of a transfer and age 59 for a buy-out policy and before becoming entitled to receive a pension under the scheme.

(11) Any amount by which a member's pensionable pay in respect of concurrent part-time employments exceeds the amount which the Secretary of State determines would have been paid in respect of a single comparable whole-time employment will be ignored.

(12) Any amount by which a member's pensionable service in respect of concurrent part-time employments, calculated as described in regulation C4(2) and (3) (service in respect of part-time employment), exceeds the period during which the member carried on those employments will be ignored.