

SCHEDULE

Regulation 3

“SCHEDULE 16B

Regulation G6

PROVISIONS IN RELATION TO PERSONS FORMERLY MEMBERS OF THE NATIONAL HEALTH SERVICE SUPERANNUATION SCHEME FOR SCOTLAND

1. The following provisions of this Schedule shall have effect in relation to a person to whom regulation G6 applies.

2. In reckoning any period as qualifying service for the purposes of—

- (a) regulation C12(1) (return of employee’s contribution in certain cases),
- (b) regulation E2(1) (entitlement to retirement pension and retiring allowance),
- (c) regulation E3(12) (entitlement to additional period under Schedule 10 in cases of early retirement on grounds of ill-health),
- (d) regulation E4(1) (ill-health lump sum retiring allowance),
- (e) regulation E6(2)(b) (amount of widow’s long-term pension) and
- (f) paragraph 4(1) and (2) of Part I of Schedule 16 (transfer values: pre 1988 service),

such a person is entitled to count as a period to which regulations D2, D3(6), D8A, D10, D11(1) and (3) and E29 apply any service which for the purposes of the National Health Service Regulations he was entitled to count in relation to the employment in which he was an officer (within the meaning of those Regulations) for the purpose of determining whether he was entitled to a benefit under those Regulations, but for no other purpose.

3. Even in a case where a transfer value is not accepted by the fund authority under regulation J8 in relation to a person to whom regulation G6 applies, the additional period in relation to him referred to in regulation E3(12) shall be a period calculated as mentioned in paragraph 2 of Schedule 10, but on the assumption that his relevant reckonable service includes the period which he would have been entitled to count as a period of reckonable service under regulation J9(1)(a) if a transfer value had been so accepted.

4.—(1) If a person ceases to hold relevant local government employment and—

- (a) (i) his reckonable service and any qualifying service when added together amount to not less than two years, or
- (ii) a transfer value from the trustees or managers of a personal pension scheme or self-employed pension arrangement has been and remains credited to the appropriate pension fund in relation to him; and
- (b) he has attained the age of 50,

he is entitled, in respect of his relevant local government employment and transferred service—

- (i) to a retirement pension (calculated in accordance with regulation E3 and reduced in accordance with sub-paragraph (2) below) and
- (ii) a retiring allowance (so calculated and so reduced),

which are payable to him, on his so requesting the administering authority in writing, immediately on his ceasing to hold that employment.

(2) Subject to regulation E1, for the purposes of sub-paragraph (1) above a person’s retirement pension and retiring allowance are reduced by the appropriate percentage for the person’s pension advancement period.

(3) A person shall not be entitled to a retirement pension under this paragraph if the administering authority determine, having taken advice from their actuary, that the retirement pension, as reduced in

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

accordance with sub-paragraph (2), would be insufficient to meet the liability to provide a guaranteed minimum pension.

(4) In sub-paragraph (2)–

“the person’s pension advancement period” means the period remaining from the date from which the benefits become payable to the date of the person’s 60th birthday; and

“the appropriate percentage” means the percentage shown in tables produced from time to time by the Government Actuary for the purpose of calculating the reduction in a person’s pension under sub-paragraph (2).

5. A person who has entered into a contract under the National Health Service Regulations to purchase an additional period of membership under those Regulations shall be entitled, for so long as he is in relevant local government employment, to continue to make additional periodic payments as if they were made pursuant to an election made under regulation C5 or C6 of these Regulations and in respect of the same additional period of membership and in the same amount as required under the National Health Service Regulations, and Schedules 4 and 5 shall not apply.

6. A person who has elected under the National Health Service Regulations to pay contributions to an additional voluntary contributions scheme may continue, for so long as he is in relevant local government employment, to contribute to that scheme and on the same terms as if the payment of contributions were made under regulation C9A of these Regulations and by notice under paragraph 1(1) of Schedule 7A.

7. The provisions of Schedule 7A, where applicable, shall have effect in relation to contributions payable under an additional voluntary contributions scheme referred to in paragraph 5 as if references in that Schedule to contributions under regulation C9A and notice under paragraph 1(1) (except the reference in paragraph 9 to a new election under regulation C9A by notice under paragraph 1 in relation to his new employment) were references to contributions to that additional voluntary contributions scheme and notice given to contribute to that scheme.

8.—(1) A person shall be entitled to treat his relevant health board employment as if it had been a period of pensionable employment for the purposes of calculating his pensionable remuneration.

(2) In sub-paragraph (1) above “relevant health board employment” in relation to a person means his employment by a health board immediately before his transfer to the employment of the governing body of a university or designated institution or of the board of management of a college of further education, as described in regulation G6(1)(b), by virtue of which he was a member of the National Health Service Superannuation Scheme for Scotland.

9. In relation to a person to whom regulation G6 applies regulation J8(1) shall have effect as if for the words “within 12 months of entering local government employment” there were substituted the words “within 12 months of the coming into force of the Local Government Superannuation (Scotland) Amendment (No.3) Regulations 1997.””