

7 Tweedside Park  
Tweedbank  
Galashiels  
TD1 3TE

Addressees as listed below

<http://www.sppa.gsi.gov.uk>

Tel: 01896 893228

Fax: 01896 893230

Sharon.liptrott@scotland.gsi.gov.uk

Our ref: NHS/01/25

18 February 2010

Dear Colleague

**The National Health Service (Superannuation Scheme, Pension Scheme, Injury Benefits and Additional Voluntary Contributions) (Scotland) Amendment Regulations 2010 (no. 2)**

I enclose, for your consideration and comments, a copy of the draft regulations which will further amend the NHS Superannuation Scheme (Scotland) Regulations 1995, the NHS Pension Scheme (Scotland) Regulations 2008 and the NHS Superannuation Scheme (Scotland) (Additional Voluntary Contributions) Regulations 1998. The Regulations introduce the following main changes to the main scheme:

- To permit those who retired from the 1995 section of the scheme between 1 April 2008 and 1 October 2009 (and who would therefore not have been eligible to participate in the choice exercise) to join the 2008 section on return to NHS employment. This would be allowed after an appropriate waiting period which would be 2 years in most cases. Those that join the 2008 section of the scheme in these circumstances will be known as “waiting period joiners”.
- To allow Credit pension members to take their pension early on an actuarially reduced basis and to be able to commute benefits in the case of terminal ill health.
- To limit future access to the 1995 Section in respect of persons who opt out of that Section for five years or more, and persons with pensions in payment from other health service pension schemes.
- To clarify the interaction between actuarially reduced pensions in the 1995 Section and part payment by members for additional years of service or unreduced lump sum retiring allowances.



## CONSULTATION

- To provide for adjustments for the revaluation of 'Additional Pension' when inflation is negative
- To Make technical changes to clarify the operation of certain regulations

There is one amendment to the NHS AVC Regulations

- To provide new commutation arrangements for certain investments up to £2,000.

More detailed information on all the changes can be found in the annex to this letter.

Comments should be sent to me at the above address or by e-mail to [Sharon.Liptrott@Scotland.gsi.gov.uk](mailto:Sharon.Liptrott@Scotland.gsi.gov.uk) **by Wednesday 17<sup>th</sup> March 2010**

If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly. All respondents should however be aware that the SPPA is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to the Agency under the Act for information relating to responses made to this consultation exercise.

Yours sincerely



Sharon Liptrott (Mrs)  
Policy Manager, NHSSS

### Addressees

Chief Executives NHS Boards  
HR Directors NHS Boards  
Scottish NHS Pensions Group (SPG)  
SPPA Technical Working Group  
NHS Trade Unions and Professional Organisations  
Scottish General Practitioners Committee  
Institute of Health Service Management  
Scottish Practice Nurse Association  
Women's National Committee  
SGHD Directorate of Primary Care  
SGHD Health Workforce Directorate  
SGLD Finance  
NHS Retirement Fellowship  
Home Office, Police and Firemen's Pension Schemes  
Department of Health and Social Services, Northern Ireland  
NHS BSA Pensions Division  
Department for Children, Schools and Family  
Cabinet Office  
Department for Communities and Local Government  
DWP  
GAD (for information only)  
HM Treasury  
Savings, Pensions, Share Schemes HMRC  
SGLD  
SPPA Senior and Regional Managers



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