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Addressees as listed below

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Your ref:
Our ref: NHS/01/24

5 February 2009

Dear Colleague

The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits), (Scotland) Amendment Regulations 2009 No.2

I enclose, for your comments, a copy of the draft regulations which will amend The NHS Superannuation Scheme (Scotland) Regulations 1995, The NHS Pension Scheme (Scotland) Regulations 2008 and The NHS (Scotland) (Injury Benefits) Regulations 1998. These draft regulations will make changes in most cases from 1 April 2009 but some regulations will have retrospective effect from 1 April 2008.

These Regulations implement changes which have been agreed in partnership through the Scottish NHS Pensions Group (consisting of representatives from NHS employers, NHS Trades Unions and Scottish Government).

The main amendments are to:

- i) introduce amendments (some only technical in nature) which were unable to make as part of the amending and new regulations introduced from 1 April 2008 and 1 October 2008



- ii) take account of changes to the way in which tiered contribution rates for members will operate from 1 April 2009 onwards
- iii) introduce amendments, omitted from the regulatory changes effective from 1 April 2008, which cover the situation where re-employed ill health pensioners apply for a review of their lower tier ill health pension (in order to secure an upper tier ill health pension) and the affect on any earlier and later service
- iv) introduce amendments as a result of Department of Work and Pensions legislation, which cover Pension Sharing (under the Pensions Sharing (Pension Credit Benefit) Regulations 2000) so that the rules for payment of a pension credit benefit are aligned with other deferred pension rights held in occupational pension schemes and;
- (v) introduce the requirement for assistant and salaried GP to provide certificates of estimates of income from all employments and final certificates at the end of the scheme year
- (vi) Provisions are also included in the Regulations that where practitioners have failed to provide information within the required time limits the member's pensionable earnings for that period will be zero. Alternatively if the Scottish Ministers are in receipt of other information which they are satisfied represents all or part of the member's pensionable earnings for that year they may accept this as the practitioner's earnings for that year.

More detailed information on the changes is included in annex A to this letter.

Comments should be sent to me at the above address or by email to Sharon.Liptrott@Scotland.gsi.gov.uk by **Thursday 12 March**.

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 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 Finance and Personnel, Northern Ireland
NHS BSA Pensions Division
Department for Children, Schools and Family
Cabinet Office
Department for Communities and Local Government
DWP
GAD
HM Treasury
Savings, Pensions, Share Schemes HMRC
SGLD
SPPA Senior and Regional Managers

