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Your ref:

Our ref: NHS/01/23

29 July 2008

Dear Colleague

The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits), (Scotland) Amendment Regulations 2008

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 October but some regulations will have retrospective effect from 1 April 2008.

The main amendments are to:

- Correct minor technical errors which occurred in the 2008 Pension regulations and 1995 amendment regulations which came into force earlier this year.
- Insert a requirement by Treasury to seek their agreement to any changes in contribution tiers.
- For communication purposes include definitions for ease of distinguishing which rules apply i.e. members who are part of the scheme under the 1995 regulations will be members of "the 1995 scheme" and for members who are part of the scheme under the 2008 regulations they will be members of "the 2008 pension scheme".
- Introduce transitional regulations, which cover deferred members of the 1995 scheme who return to the NHS after a break of ¹more than five years. Members in this category will join the new 2008 scheme for future service, on the higher normal pension age of 65 and will have the choice to transfer all their accrued 1995 benefits to the new Scheme on a cash equivalent basis.
- Comply with tax rules for lump sum death benefits for pensioners over 75.
- Extend pensioning of authorised paid leave to 24 months.

¹ Deferred members who return after a break of less than five years will be able to re-join the 1995 scheme



- Change ill health rules whereby a member who has a 3 year review period returns to NHS employment, the review period will be 1 year from the start of the new employment or the remainder of the original 3 year period if less.
- Make one change to the Injury Benefit Regulations to take account of pension that is exchanged for lump sum.

Further details on the changes are 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 Tuesday 9th September 2008.

In accordance with our normal practice, SPPA may make available, on request, responses to this consultation exercise, other than those in which consultees indicate that they wish their responses to be treated as confidential.

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
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

