

2022 No.

NATIONAL HEALTH SERVICE

**The National Health Service Superannuation and Pension
Schemes (Miscellaneous Amendments) (Scotland) Regulations
2022**

Made - - - - 2022
Laid before the Scottish Parliament 2022
Coming into force - - 1st April 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10 and 12 and schedule 3 of the Superannuation Act 1972(a), section 1(1) and (2)(e) and paragraph 5(b) of schedule 2, and schedule 3, of the Public Service Pensions Act 2013(b) and all other powers enabling them to do so.

In accordance with section 10(4) of the Superannuation Act 1972, the Scottish Ministers have consulted with such representatives of persons likely to be affected by these Regulations as appear to them to be appropriate.

In accordance with section 22(2)(a) of the Public Service Pensions Act 2013, the Scottish Ministers consulted the representatives of such persons as appeared to them likely to be affected by these Regulations. In accordance with section 22(2)(b) of that Act, the Scottish Ministers laid before the Scottish Parliament a report concerning the changes to members' contribution rates under the NHS Pension Scheme (Scotland) 2015(c) made by these Regulations.

In accordance with section 10(1) of the Superannuation Act 1972 and section 3(5) of the Public Service Pensions Act 2013, these Regulations are made with the consent of the Treasury(d).

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- (a) 1972 c.11. Section 10 was amended by Part II of schedule 7 of the National Health Service (Scotland) Act 1972 (c.58), schedule 5 of the National Health Service Reorganisation Act 1973 (c.32), sections 4(2) and 8(5) and (6) of the Pensions (Miscellaneous Provisions) Act 1990 (c.7) ("the 1990 Act"), paragraph 7 of schedule 8 of the Pensions Schemes Act 1993 (c.48), paragraph 10 of schedule 8 of the Public Service Pensions Act 2013 (c.25) and S.I. 2001/3649. Section 12 was amended by section 10 of the 1990 Act. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of article 2 and schedule 1 of S.I. 1999/1750.
- (b) 2013 c.25.
- (c) The pension scheme established by S.S.I. 2015/94 is to be known in terms of regulation 2(2) of that instrument as the NHS Pension Scheme (Scotland) 2015.
- (d) The function of the Minister under section 10(1) of the Superannuation Act 1972 was transferred to the Treasury by S.I. 1981/1670.

PART 1

Introductory

Citation, commencement and effect

1.—a) These Regulations may be cited as the National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2021.

(1) Save as provided for by paragraphs (2) to (5), these Regulations come into force on 1 April 2022.

(2) Regulations (2) to (5) come into force immediately after the expiry of section 46 of the Coronavirus Act 2020(a)

PART 2

Modifications of restrictions on return to work

Duration of modifications in this Part

2. The modifications in this Part apply until the end of 31st October 2022.

Modifications of the National Health Service Superannuation Scheme (Scotland) Regulations 2011

3. The National Health Service Superannuation Scheme (Scotland) Regulations 2011(b) have effect as if—

(a) regulations S1 (suspension of pension on return to NHS employment) were omitted; and

(b) in the opening words of regulation S2(4) (reduction of pension on return to NHS employment) the words “or (c)” were omitted.

Modifications of the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013

4. The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013(c) have effect as if the following regulations were omitted—

(a) regulation 2.D.6(2)(a) (abatement of pension following increase in pensionable pay); and

(b) regulation 3.D.6(2) (a) (abatement of pension following increase in engagement in employment).

Modifications of the National Health Service Pension Scheme (Scotland) Regulations 2015

5. The National Health Service Pension Scheme (Scotland) Regulations 2015(d) have effect as if regulation 85(3) (abatement of pension following continuation of employment) were omitted.

(a) 2020 c. 7.

(b) S.S.I. 2011/117. Relevant amending instruments are S.S.I. 2012/163, S.S.I. 2013/109, S.S.I. 2014/43, S.S.I. 2014/154, S.S.I. 2015/96, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2017/434, S.S.I. 2019/46, S.S.I. 2020/30 and S.S.I. 2021/102.

(c) S.S.I. 2013/174. Relevant amending instruments are S.S.I. 2015/95, S.S.I. 2015/96, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2017/434, S.S.I. 2019/46, S.S.I. 2020/30 and S.S.I. 2021/02.

(d) S.S.I. 2015/94. Relevant amending instruments are S.S.I. 2016/97, S.S.I. 2017/28, S.S.I. 2017/434, S.S.I. 2019/46, S.S.I. 2020/30 and S.S.I. 2021/02.

PART 2

Amendment of the National Health Service Pension Scheme (Scotland) Regulations 2015

General

6. The National Health Service Pension Scheme (Scotland) Regulations 2015(a) are amended in accordance with regulations 46 to 51.

Amendment of regulation 30

7. In regulation 30 (members' contributions: employees), in paragraph (3)—

(a) after sub-paragraph (g)(b), insert—

“(h) from 1 April 2022 is the percentage specified in column 2 of Table 8 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall,” and

(b) after table 7(c), insert—

“Table 8

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,614	5.2%
£21,615 - £25,981	5.8%
£25,982 - £32,914	7.3%
£32,915 - £66,017	9.5%
£66,018 - £92,423	12.7%
£92,424 - £123,147	13.7%
£123,148 to any higher amount	14.7%”

(a) S.S.I. 2015/94. Relevant amending instruments are S.S.I. 2016/97, S.S.I. 2017/28, S.S.I. 2017/434, S.S.I. 2019/46, S.S.I. 2020/30 and 2021/102

(b) Sub-paragraph (g) was inserted by S.S.I. 2021/102.

(c) Table 7 was inserted by S.S.I. 2021/102.

Amendment of regulation 31

8. In regulation 31 (members' contributions: practitioners and non-GP providers)—

(a) in paragraph (3), after sub-paragraph (g)(a), insert—

“(h) from 1 April 2022 is the percentage specified in column 2 of Table 8 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.”, and

(b) in paragraph (9), after table 7(b) insert—

“Table 8

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,614	5.2%
£21,615 - £25,981	5.8%
£25,982 - £32,914	7.3%
£32,915 - £66,017	9.5%
£66,018 - £92,423	12.7%
£92,424 - £123,147	13.7%
£123,148 to any higher amount	14.7%”

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh

2022

We consent

Two of the Lords Commissioners of
Her Majesty's Treasury

2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

(a) Sub-paragraph (g) was inserted by S.S.I. 2021/102.
(b) Table 7 was inserted by S.S.I. 2021/102.