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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 544**

**The National Health Service (Superannuation Scheme, Injury Benefits, Additional Voluntary Contributions and Compensation for Premature Retirement) (Civil Partnership) (Scotland) Amendment Regulations 2005**

**PART VI**

**OPT OUT**

**Right to opt out**

**51.—(1)** Where—

- (a) apart from this regulation, the amendments made by regulations 2 to 43 would place any relevant beneficiary in a worse position than that in which he or she would otherwise be; and
- (b) that relevant beneficiary so elects by notice in writing given to the Scottish Ministers before 5th June 2006,

then the Superannuation Scheme Regulations, or as the case may be, the Injury Benefits Regulations shall have effect in relation to him or her as if those amendments had never been made.

(2) For the purposes of paragraph (1), a relevant beneficiary is a person to whom any benefit is or may become payable being a benefit payable to or in respect of a person who—

- (a) ceased to hold an employment or office in respect of which he or she was a member or qualified to participate in benefits (whether or not he or she had subsequently recommenced any such employment or office); or
- (b) died while in such employment or office,

before the date on which these Regulations come into force.