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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 224**

**The National Health Service Pension  
Scheme (Scotland) Regulations 2008**

**PART 4**

**BENEFITS IN CASES OF MIXED SERVICE**

**CHAPTER 4.B**

**COMPARISON OF ENTITLEMENTS**

*Application of Chapter 4.B*

**Application of Chapter 4.B**

**4.B.1.**—(1) This Chapter identifies the calculation method under which the benefits payable in respect of discrete periods of pensionable service as an officer are to be compared against the benefits that would have been payable had that service been service as a practitioner.

(2) The discrete periods of pensionable service as an officer that are subject to comparison are any periods of—

- (a) up to 10 years of pensionable service as an officer before first becoming a principal practitioner;
- (b) more than 10 years of pensionable service as an officer before first becoming a principal practitioner;
- (c) up to one year of employment as an officer after last ceasing to be a practitioner;
- (d) more than one year of employment as an officer after ceasing to be a practitioner;
- (e) less than one year of pensionable service as an officer concurrently with pensionable service as a practitioner; and
- (f) more than one year of pensionable service as an officer concurrently with pensionable service as a practitioner.

*Officer service before practitioner service*

**Cases with up to 10 years of officer service**

**4.B.2.**—(1) Where a member has not more than 10 years of pensionable service before first becoming a principal practitioner, the reference amount is the best of—

- (a) the amount determined by calculation method A;
- (b) the amount determined by calculation method B; and
- (c) where—

- (i) the benefit is payable on retirement or death of the member; and
  - (ii) the condition is met,
- the base amount.
- (2) The condition mentioned in paragraph (1)(c)(ii) is that–
- (a) the amount of pension payable under Part 2 would be greater than the amount of pension payable under Part 3, where–
    - (i) any enhancement for the purposes of regulation 2.D.8 (early retirement on ill health (active members)) or 3.D.7 (early retirement on ill health (active members)); as appropriate, are ignored;
    - (ii) any additional pension is disregarded; and
    - (iii) any increase under the Pensions (Increase) Act 1971 is applied; and
  - (b) the amount determined by calculation method B is less than the base amount.

**Cases with more than 10 years of officer service**

**4.B.3** Where a member has more than 10 years of pensionable service before first becoming a principal practitioner, the reference amount is the better of–

- (a) the amount determined by calculation method A; and
- (b) the base amount.

*Officer service after practitioner service*

**Cases with less than one year of officer service**

**4.B.4** Where a member has been employed as an officer for less than one year after last ceasing to be a practitioner, the reference amount is the amount determined by calculation method A.

**Cases with more than one year of officer service**

**4.B.5** Where a member has been employed as an officer for one year or more after ceasing to be a practitioner, the reference amount is the better of–

- (a) the amount determined by calculation method C; and
- (b) the base amount.

*Concurrent officer and practitioner service*

**Cases with less than one year of concurrent officer service**

**4.B.6** Where a member has less than one year of pensionable service as an officer concurrently with pensionable service as a practitioner, the reference amount is the amount determined by calculation method A.

**Cases with more than one year of concurrent officer service**

**4.B.7** Where a member has one year or more of pensionable service as an officer concurrently with pensionable service as a practitioner, the reference amount is the better of–

- (a) the amount determined by calculation method A; and
- (b) the base amount.

### Calculation methods

#### Calculation method A

**4.B.8** Calculation method A is the aggregate of—

- (a) the amount that would be payable under Part 3 if—
  - (i) the member’s discrete period of pensionable service as an officer were treated as pensionable service as a practitioner; and
  - (ii) the amount of pensionable pay received in respect of that officer service were treated as pensionable earnings as a practitioner for the respective period;
- (b) the amount payable under Part 2 (if any) if the member’s pensionable service as an officer were reduced by the discrete period of pensionable service as an officer in sub paragraph (a); and
- (c) the amount payable under Part 3 but for the operation of this Part.

#### Calculation method B

**4.B.9** Calculation method B is the aggregate of—

- (a) the amount payable under Part 3 if the member’s uprated earnings is increased by the formula—

$$UE \times \frac{LPS_o + LPS_p}{LPS_p}$$

where—

UE is the amount of the member’s uprated earnings;

LPS<sub>o</sub> is the length of the member’s discrete period of pensionable service as an officer, expressed in days; and

LPS<sub>p</sub> is the length of the member’s pensionable service as a practitioner, expressed in days, and

- (b) the amount payable under Part 2 (if any) if the member’s pensionable service as an officer were reduced by the discrete period of pensionable service as an officer in paragraph (a).

#### Calculation method C

**4.B.10** Calculation method C is the aggregate of—

- (a) the amount that would be payable under Part 3 if the member’s pensionable earnings as a practitioner were uprated to the date of—
  - (i) cessation of the employment as an officer; or
  - (ii) retirement,whichever is the earlier; and
- (b) the amount payable under Part 2.