
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 224

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

PART 4

BENEFITS IN CASES OF MIXED SERVICE

CHAPTER 4.D

GENERAL MODIFICATIONS

year service limit

Pensionable service limit

4.D.1.—(1) Subject to paragraph (3), in determining whether or not a member has reached 45 years of pensionable service for the purposes of regulation 2.A.2 (meaning of “pensionable service”), the amount of pensionable service accrued under Part 3 is included in the aggregate calculated under paragraph (1) of that regulation.

(2) Subject to paragraph (3), in determining whether or not a member has reached 45 years of pensionable service for the purposes of regulation 3.A.3 (meaning of “pensionable service”), the amount of pensionable service accrued under Part 2 is included in the aggregate calculated under paragraph (1) of that regulation.

(3) Where a person is concurrently in officer service and practitioner service in any year, that year counts as a single year for the purpose of calculating 45 years pensionable service.

(4) Where the aggregate of pensionable service under Part 2 and Part 3 is in excess of 45 years—

- (a) benefits under each of Part 2 and Part 3 are calculated by reference to such number of years as the Scottish Ministers determine;
- (b) the aggregate of pensionable service under Part 2 and Part 3 determined in sub paragraph (a) is 45 years; and
- (c) the Scottish Ministers must select the years by reference to which the benefits under each Part are to be calculated, selecting the years which produce the most favourable result to the member.

Claims and notices

Applications, claims and notices

4.D.2.—(1) An application or claim made or a notice given for the purposes of a regulation listed in column 1 of the following table shall be treated as an application or claim made or notice given for the purposes of the corresponding regulation in column 2 (and vice versa).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Table

<i>Column 1</i> <i>Regulation in Part 2</i>	<i>Column 2</i> <i>Regulation in Part 3</i>
2.D.8	3.D.7
2.D.10	3.D.9
2.D.14	3.D.10
2.E.21	3.E.21
2.F.2	3.F.2
2.F.3	3.F.3

*Abatement***Reduction of pension**

4.D.3.—(1) The pension payable under Part 3 is reduced in accordance with Chapter 3.H (abatement) but with the following modifications—

- (a) relevant income includes the enhancement amount determined under regulation 2.H.4(2) (meaning of “relevant income”); and
- (b) the member’s previous earnings in respect of the member’s practitioner service are increased by the amount of the member’s previous pay in respect of the member’s officer service.

(2) Where the reduction applied under the modified Part 3 is not the full amount of the excess determined under that modified Part, such part of the excess as has not given rise to a reduction in the old service pension in Part 3 is the excess for the purposes of regulation 2.H.3(3) (reduction of pension).