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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 19**

**The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits) (Scotland) Amendment Regulations 2009**

**PART 2**

**Amendment of the National Health Service Pension Scheme (Scotland) Regulations 2008**

**Amendment of regulation 3.A.4**

**55.**—(1) Regulation 3.A.4 (pensionable service: breaks in service) is amended as follows.

(2) In paragraph (2)—

- (a) for “Subject to paragraph (5), a” substitute “A”; and
- (b) for “scheme” substitute “scheme, under regulation 3.C.1 (contributions by members) in respect of the period of absence”.

(3) For paragraph (3) substitute—

“(3) If a member is on leave of absence that does not fall within paragraph (1)(a) to (e), and contributes to the scheme, under regulation 3.C.1 by contributions made at the same intervals as those made by the member before the absence, the maximum period of such leave that can be counted as pensionable service under this paragraph is—

- (a) where the member contributes for a continuous period of 6 months commencing with the first day of the member’s leave of absence, 6 months; and
- (b) where the member contributes for a continuous period of less than 6 months commencing with the first day of the member’s leave of absence, the period in respect of which the member pays those contributions.

(3A) If, having paid contributions for the period mentioned in paragraph (3)(a) a member remains on a leave of absence that does not fall within paragraph (1)(a) to (e) and contributes to the scheme both member contributions under regulation 3.C.1 and employer contributions under regulation 3.C.3 by contributions made at the same intervals as those made by the member before the absence, the maximum period of such leave that can be counted as pensionable service under this paragraph is—

- (a) where the member contributes for a continuous period of 18 months commencing immediately after the expiry of the period mentioned in paragraph (3)(a), 18 months; and
- (b) where the member contributes for a continuous period of less than 18 months commencing immediately after the expiry of the period mentioned in paragraph (3)(a), the period in respect of which the member pays those contributions.”.