
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 22

The National Health Service (Superannuation Scheme, Pension Scheme, Injury Benefits and Additional Voluntary Contributions) (Scotland) Amendment Regulations 2010

PART 3

AMENDMENT OF THE NATIONAL HEALTH SERVICE
PENSION SCHEME (SCOTLAND) REGULATIONS 2008

Amendment of regulation 3.F.6

87.—(1) Regulation 3.F.6 (calculating amounts of transfer value payments) shall be amended as follows.

(2) For paragraph (4) substitute—

“(4) In paragraph (3) “minimum transfer value” means—

(a) in the case of a person other than a 2008 Section Optant the sum of—

- (i) any transfer value payments that have been made to this Section of the scheme in respect of the person as a result of which the person is entitled to count any pensionable service under this Section of the scheme by reference to which the accrued rights subject to the transfer are calculated; and
- (ii) any contributions paid by the person under Chapter 3.C as a result of which the person is entitled to count such service;

(b) in the case of a 2008 Section Optant the sum of—

- (i) any transfer value payments that have been made to the 1995 Section in respect of the Optant;
- (ii) any contributions paid by the Optant under regulation D1 (contributions by members) of, as modified by paragraph 10 of Schedule 1 to the 1995 Regulations in respect of pensionable employment in that Section on or before 31st March 2008; and
- (iii) any payments made by the Optant under regulation Q1 (right to buy additional benefits) of, as modified by paragraph 19 of Schedule 1 to, the 1995 Regulations for the purchase of additional service,

which entitle the Optant to count, under Chapter 3.K of this Section, any pensionable service by reference to which the accrued rights subject to the transfer are calculated.”.

(3) At the end of paragraph (5)(b) insert—

“; and

(c) separately in respect of—

Status: This is the original version (as it was originally made).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

- (i) the aggregate of any amounts of pensionable earnings that the member is entitled to count for the purpose of calculating benefits payable to, or in respect of, the member that fall to be treated as—
 - (aa) a capped increase to pensionable earnings in accordance with regulation 3.F.12; or
 - (bb) an amount of capped Optant pensionable earnings in accordance with regulation 3.K.9; and
 - (ii) any amount of pensionable earnings that do not fall to be so treated.”.
- (4) After paragraph (5) insert—
- “(6) In the case of a 2008 Section Optant this regulation is subject to regulation 3.K.11.”.