
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 145

**The National Health Service Pension Scheme
(Consequential Provisions) (Scotland) Regulations 2015**

PART 3

Modification of early leaver and other provisions

Application of this Part

- 5.—(1) This Part applies where a person (P)—
- (a) is a member of the old scheme whether by virtue of pensionable service for that scheme or deemed transfer scheme service under paragraph 2 of Schedule 7 to the 2013 Act (final salary link);
 - (b) is a member of the new scheme by virtue of pensionable service for the new scheme; and
 - (c) is—
 - (i) a person to whom paragraph 1 or 2 of Schedule 7 to the 2013 Act applies by virtue of that person's pensionable service for the new scheme, and whose final salary falls for the purposes of the old scheme to be determined by reference to that paragraph; or
 - (ii) a person to whom—
 - (aa) Schedule 1 to the National Health Service Superannuation Scheme (Scotland) Regulations 2011; or
 - (bb) Part 3 of the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013,applies and who has pensionable service for the old scheme and pensionable service for the new scheme which are continuous.
- (2) For the purposes of paragraph (1)(c)(ii)—
- (a) paragraph 3 of Schedule 7 to the 2013 Act (continuity of employment) applies as it applies for the purposes of paragraphs 1(2)(a) and 2(2)(a) of that Schedule; and
 - (b) P's pensionable service for the old scheme and pensionable service for the new scheme are not continuous if scheme regulations made pursuant to section 8A(4)(b) of the Pensions (Increase) Act 1971(1) (references to "service": relevant old scheme pension in payment) apply to P.