SCOTTISH STATUTORY INSTRUMENTS

2025 No. 259

NATIONAL HEALTH SERVICE

The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendment) (Scotland) Regulations 2025

Made - - - -	*16th September 2025*
Laid before the Scottish Parliament	*18th September 2025*
Coming into force - -	*31st October 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 10 and 12 and schedule 3 of the Superannuation Act 1972(**a**), sections 1(1) and (2)(e), 2(1), 3(1) to (3) and (4A) of, and paragraph 5(b) of schedule 2, and schedule 3 of, the Public Service Pensions Act 2013(**b**), and all other powers enabling them to do so.

In accordance with section 10(4) of the Superannuation Act 1972, the Scottish Ministers have consulted with such representatives of persons likely to be affected by these Regulations as appear to them to be appropriate.

In accordance with section 22(2)(a) of the Public Service Pensions Act 2013, the Scottish Ministers consulted the representatives of such persons as appeared to them likely to be affected by these Regulations. In accordance with section 22(2)(b) of that Act, the Scottish Ministers laid before the Scottish Parliament a report concerning the changes to members' contribution rates under the NHS Pension Scheme (Scotland) 2015(**c**) made by these Regulations.

In accordance with section 10(1) of the Superannuation Act 1972 and section 3(5) of the Public Service Pensions Act 2013, these Regulations are made with the consent of the Treasury.

(**a**) 1972 c. 11. Section 10 was amended by Part II of schedule 7 of the National Health Service (Scotland) Act 1972 (c. 58), schedule 5 of the National Health Service Reorganisation Act 1973 (c. 32), sections 4(2) and 8(5) and (6) of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) ("the 1990 Act"), paragraph 7 of schedule 8 of the Pensions Schemes Act 1993 (c. 48), paragraph 10 of schedule 8 of the Public Service Pensions Act 2013 (c. 25) and S.I. 2001/3649. Section 12 was amended by section 10 of the 1990 Act. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of article 2 and schedule 1 of S.I. 1999/1750.

(**b**) 2013 c. 25.

(**c**) The pension scheme established by S.S.I. 2015/94 is to be known in terms of regulation 2(2) of that instrument as the NHS Pension Scheme (Scotland) 2015.

PART 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the National Health Service Superannuation and Pension Schemes (Miscellaneous Amendment) (Scotland) Regulations 2025 and come into force on 31 October 2025.

(2) These Regulations have effect from 1 April 2025, subject to paragraphs (3) to (11).

(3) Regulations 13 and 19 have effect from 1 April 2008.

(4) Regulations 9, 12, 16, 18, 24(5), (6), (7), (8)(b), (9) and (10) and 33 have effect from 1 April 2015.

(5) Regulations 8, 11, 15 and 17 have effect from 6 April 2020.

(6) Regulations 27 and 31 have effect from 1 October 2022.

(7) Regulation 37 has effect from 1 April 2023.

(8) Regulations 38 to 41 have effect from 1 October 2023.

(9) Regulations 4, 6, 14, 20 and 30 have effect from 6 April 2024.

(10) Regulation 25(b) has effect from 1 October 2024.

(11) Regulations 22, 24(2), (3), (4) and 8(a), 29, 32(4) and 34(3) have effect from 6 April 2025.

PART 2

Amendments to the National Health Service Superannuation Scheme (Scotland) Regulations 2011

General

2. The National Health Service Superannuation Scheme (Scotland) Regulations 2011(**a**) are amended in accordance with this Part.

Amendment of regulation C1

3. In regulation C1 (meaning of "pensionable pay")(**b**), after paragraph (19), insert—

"(20) Paragraphs (21) to (27) apply to a member who has remediable service within the meaning of section 1 of the Public Service Pensions and Judicial Offices Act 2022(**c**) that is pensionable service under this Section of the scheme by virtue of section 2(1) of that Act (remediable service treated as pensionable under Chapter 1 legacy schemes) and whose pensionable pay and pensionable service in this Section of the scheme is derived from contributions made to the 2015 Scheme in the relevant scheme years in respect of that remediable service, if—

(a) at any time during that period of service, the terms of the member's employment contract required the member to work less than whole-time, according to those terms, for any period of time, and

(b) the member received a relevant payment.

(21) The member, or if the member is deceased, the member's personal representatives, may elect for all relevant payments to be included as pensionable pay for the purposes of

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(**a**) S.S.I. 2011/117.
(**b**) Regulation C1 was amended by S.S.I. 2014/154, S.S.I. 2015/96 and S.S.I. 2024/272.
(**c**) 2022 c. 7.

this regulation, and for service in respect of that pensionable pay to be included in the member's pensionable service for the purposes of regulation C2.

(22) The member's employing authority must, before 1 January 2026, or in exceptional circumstances such later time as the scheme manager decides, send a notice in writing to the member, or as the case may be, the member's personal representatives, that they may make an election under paragraph (21).

(23) The notice referred to in paragraph (22) must specify the amount of contributions the member and the member's employing authority will be required to pay, and the amount of pensionable pay and pensionable service the member will be entitled to in respect of those contributions, if the member or, as the case may be, the member's personal representatives, makes an election under paragraph (21).

(24) An election under paragraph (21) must be—

(a) made—

(i) by the member, or, as the case may be, the member's personal representatives, in writing, in such form and including such information as the member's employing authority requires, and

(ii) in respect of all relevant payments received by the member, and

(b) received by the member's employing authority before—

(i) the end of the period of three months beginning with the day on which the member is provided with the notice under paragraph (22), or

(ii) such later date before 1 July 2026 as the member's employing authority considers reasonable in all the circumstances.

(25) For the purposes of this regulation, a relevant payment means as much of a payment of salary, wages, fees or other regular payment made to a member by the employing authority in respect of any period of time worked by the member in excess of the work required by the terms of their employment contract described in paragraph (20)—

(a) up to the whole-time equivalent according to the terms of the member's employment contract during a scheme year falling within the period of the member's remediable service, and

(b) that was treated by the member's employing authority as a payment for overtime for the purposes of regulation 27 of the 2015 Scheme.

(26) Where a member, or as the case may be, the member's personal representatives, has made an election under paragraph (21), that member will be treated as if they had also made an election under regulation 27A(2) of the 2015 Scheme (election for relevant payments to be included as pensionable earnings).

(27) If a member, or, as the case may be, the member's personal representatives, does not make an election under paragraph (21), all relevant payments made to that member will be treated as payments for overtime for the purposes of this regulation.".

Amendment of regulation T3

4.—(1) Regulation T3 (deduction of tax: further provisions)(**a**) is amended as follows.

(2) In paragraph (2), after "these Regulations" insert ", before 6 April 2024,".

(3) After paragraph (3) insert—

"(3A) Subject to paragraph (3B), if a person's entitlement to a lump sum under these Regulations, on or after 6 April 2024, constitutes a relevant benefit crystallisation event for the purposes of section 637Q or section 637S of the Income Tax (Earnings and Pensions) Act 2003(**b**), the scheme administrator must determine—

(**a**) Regulation T3 was amended by S.S.I. 2011/364, S.S.I. 2012/163, S.S.I. 2014/154 and S.S.I. 2016/98.
(**b**) 2003 c. 1. Sections 637Q and 637S were inserted by the Finance Act 2024 (c. 3).

(a) where any tax is payable in respect of the benefit in accordance with section 204 of the 2004 Act and, if so,

(b) the amount of tax, and

(c) the person liable for that tax.

(3B) The member's lump sum in respect of which any tax is payable, as determined under paragraph (3A), will be reduced by an amount that fully reflects the amount of tax paid by the scheme administrator.".

(4) In paragraph (4), after "these Regulations" insert ", before 6 April 2024,".

(5) After paragraph (4) insert—

"(4A) Where a person is entitled to a lump sum under these Regulations, on or after 6 April 2024, whether or not the person intends to rely on entitlement to fixed protection, or to enhanced protection, that person must give to the scheme administrator such information as will enable the scheme administrator to determine—

(a) whether any tax is payable in respect of the lump sum in accordance with section 204 of the 2004 Act and, if so,

(b) the amount of tax, and

(c) the person liable for that tax.".

(6) In paragraph (5)—

(a) for "If" substitute "Where",

(b) for "applying for" substitute "entitled to",

(c) after "these Regulations" insert ", before 6 April 2024,".

(7) After paragraph (5) insert—

"(5ZA) Where on or after 6 April 2024 a person who is entitled to a lump sum under these Regulations intends to rely on entitlement to an enhanced allowance by virtue of the provisions listed in section 256(1) of the 2004 Act (enhanced allowance regulations), that person must give to the scheme administrator—

(a) the reference number issued by the Commissioners for His Majesty's Revenue and Customs under the Registered Pension Schemes (Enhanced Lifetime Allowance) Regulations 2006(**a**) in respect of that entitlement, and

(b) the information referred to in paragraph (4A).".

(8) In paragraph (5A)(**b**)—

(a) for "If" substitute "where",

(b) for "claiming" substitute "entitled to",

(c) after "these Regulations" insert ", before 6 April 2024,".

(9) After paragraph (5A) insert—

"(5AA) Where a person who is entitled to a lump sum under these Regulations, on or after 6 April 2024, intends to rely on entitlement to transitional protection in accordance with paragraph 14 of Schedule 18 to the 2011 Act or paragraph 1 of Schedule 22 to the Finance Act 2013, that person must give to the scheme administrator—

(a) the reference number issued by the Commissioners for His Majesty's Revenue and Customs under the Registered Pension Schemes (Lifetime Allowance Transitional Protection) Regulations 2011(**c**) or the Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Notification) Regulations 2013(**d**) in respect of that entitlement, and

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(**a**) S.I. 2006/131.
(**b**) Paragraph (5A) was inserted by S.S.I. 2012/163.
(**c**) S.I. 2011/1752.
(**d**) S.I. 2013/1741.

(b) the information referred to in paragraph (4A).".

(10) In paragraph (5B)(**a**)—

(a) for "If" substitute "Where",

(b) for "claiming" substitute "entitled to",

(c) after "these Regulations" insert ", before 6 April 2024,".

(11) After paragraph (5B) insert—

"(5C) Where a person who is entitled to a lump sum under these Regulations, on or after 6 April 2024, intends to rely on entitlements to individual protection in accordance with paragraph 1 of the Schedule 6 of the Finance Act 2014(**b**), that person must give to the scheme administrator—

(a) the reference number issued by the Commissioners for His Majesty's Revenue and Customs under the Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Individual Protection 2014 Notification) Regulations 2014(**c**) in respect of that entitlement, and

(b) the information referred to in paragraph (4A).".

(12) In paragraph (6)—

(a) after "paragraph" in the second place it occurs insert "(4A),",

(b) after "(5)" insert ", (5ZA),",

(c) after "(5A)" insert ", (5AA),",

(d) for "or (5B)" substitute ", (5B) or (5C)".

(13) In paragraph (7) for "the person fails" substitute "a person who before 6 April 2024 is entitled to a benefit under these Regulations fails".

(14) After paragraph (7) insert—

"(7A) Where on or after 6 April 2024 a person who is entitled to a lump sum under these Regulations fails to provide all, or part of, the information referred to in paragraph (4A) or, as the case may be, paragraph (5ZA), (5AA) or (5C) within the time limits specified, the scheme administrator may deem that the person is liable for the tax payable in respect of the whole of the lump sum.".

PART 3

Amendments to the National Health Service Pension Scheme (Scotland) (Additional Voluntary Contributions) Regulations 2018

General

5. The National Health Service Pension Scheme (Scotland) (Additional Voluntary Contributions) Regulations 2018(**d**) are amended in accordance with this Part.

Amendment of regulation 16

6.—(1) Regulation 16 (information) is amended as follows.

(2) In paragraph (3), after "these Regulations" insert "before 6 April 2024,".

(3) After paragraph (3) insert—

(**a**) Paragraph (5B) was inserted by S.S.I. 2014/154.
(**b**) 2014 c. 26.
(**c**) S.I. 2014/1842.
(**d**) S.S.I. 2018/124.

"(3A) Where before 6 April 2024 a person is entitled to a lump sum under these Regulations that person must, whether or not they intend to rely on entitlement to an enhanced allowance or to enhanced protection, give to the provider such information as will enable the provider to determine—

(a) whether any tax is payable in respect of the lump sum in accordance with section 204 of the 2004 Act and, if so,

(b) the amount of tax, and

(c) the person liable for that tax.".

(4) In paragraph (4), after "these Regulations" insert ", before 6 April 2024,".

(5) After paragraph (4) insert—

"(4A) Where on or after 6 April 2024 a person who is entitled to a lump sum under these Regulations intends to rely on entitlement to an enhanced allowance by virtue of the provisions listed in section 256(1) of the 2004 Act (enhanced allowance regulations), that person must give to the provider—

(a) the reference number issued by the Commissioners for His Majesty's Revenue and Customs under the Registered Pension Schemes (Enhanced Lifetime Allowance) Regulations 2006(**a**) in respect of that entitlement, and

(b) the information referred to in paragraph (3A).".

(6) In paragraph (5)—

(a) after "(3)" insert "or (3A)",

(b) after "(4)" insert "or (4A)".

(7) In paragraph (6)—

(a) after "(3)" insert "or (3A)",

(b) after "(4)" insert "or (4A)".

PART 4

Amendments to the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013

General

7. The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013(**b**) are amended in accordance with this Part.

Amendment of regulation 2.A.5

8.—(1) Regulation 2.A.5 (pensionable service: breaks in service)(**c**) is amended as follows.

(2) In paragraph (3), for "(e)" substitute "(f)".

(3) In paragraph (4), for "(e)" substitute "(f)".

Amendment of regulation 2.A.6

9.—(1) Regulation 2.A.6(1) (meaning of "qualifying service") is amended as follows.

(2) Omit sub-paragraph (i).

(3) After sub-paragraph (j) insert—

(**a**) S.I. 2006/131.
(**b**) S.S.I. 2013/174.
(**c**) Regulation 2.A.5 was amended by S.S.I. 2017/27 and S.I. 2020/354.

"(k) in the case of a person who—

(i) ceased to be an active member of the 1995 Section on leaving NHS employment,

(ii) became a deferred member of that Section on leaving that employment and has not since become a pensioner member of that Section between the date of leaving that employment and joining this Section of the Scheme, and

(iii) became an active member of this Section of the Scheme during the period beginning with 1 October 2008 and ending with 31 March 2015 and five years or more since last leaving NHS employment,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section,

(l) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) or (2)(**a**) of regulation B4 of the 2011 Regulations (opting out of this Section of the scheme),

(ii) as a result of that notice was treated as ceasing to be an active member of that Section,

(iii) pursuant to that notice remained opted-out of that Section for five years or more, and

(iv) became an active member of this Section of the Scheme during the period beginning with 1 October 2008 and ending with 31 March 2015,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section, and

(m) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) or (2) of regulation B4 of the 2011 Regulations and following that notice, ceased to be an active member of that Section for any one period of five years or more comprising the aggregate of—

(aa) any period during which the person left NHS employment, and

(bb) any period during which the person was treated as never having been an active member of that Section in accordance with paragraph (3)(**b**) of regulation B4 of those Regulations in respect of one or more later periods of NHS employment entered into after having given the notice for the purposes of paragraph (1) or (2) of that regulation, and

(ii) became an active member of this Section of the Scheme during the period beginning with 1 October 2008 and ending with 31 March 2015,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.".

Amendment of regulation 2.A.9

10. In regulation 2.A.9 (meaning of "pensionable pay"), after paragraph (11) insert—

"(12) Paragraphs (13) to (19) apply to a member who has remediable service within the meaning of section 1 of the Public Service Pensions and Judicial Offices Act 2022 that is pensionable service under this Section of the scheme by virtue of section 2(1) of that Act (remedial service treated as pensionable under Chapter 1 legacy schemes) and whose pensionable pay and pensionable service in this Section of the Scheme is derived from

(**a**) Paragraph (2) of regulation B4 was omitted by S.S.I. 2013/109.
(**b**) Paragraph (3) of regulation B4 was omitted by S.S.I. 2013/109.

contributions made to the 2015 Scheme in the relevant scheme years in respect of that remediable service, if—

(a) at any time during that period of service, the terms of the member's employment contract required the member to work less than whole-time, according to those terms, for any period of time, and

(b) the member received a relevant payment.

(13) The member, or if the member is deceased, the member's personal representatives, may elect for all relevant payments to be included as pensionable pay for the purposes of this regulation, and for service in respect of that pensionable pay to be included in the member's pensionable service for the purposes of regulations 2.A.3 and 2.A.4.

(14) The member's employing authority must before 1 April 2026, or in exceptional circumstances at such later time as the scheme manager decides, send a notice in writing to the member or, as the case may be, the member's personal representatives, that they may make an election under paragraph (13).

(15) The notice referred to in paragraph (14) must specify the amount of contributions the member and the member's employing authority will be required to pay, and the amount of pensionable pay and pensionable service the member will be entitled to in respect of those contributions, if the member or, as the case may be, the member's personal representatives makes an election under paragraph (13).

(16) An election under paragraph (13) must be—

(a) made—

(i) by the member or, as the case may be, the member's personal representatives, in writing in such form and including such information as the member's employing authority requires,

(ii) in respect of all relevant payments received by the member, and

(b) received by the member's employing authority before—

(i) the end of the period of three months beginning with the day on which the member is provided with the notice under paragraph (14), or

(ii) such later date before 1 October 2026 as the member's employing authority considers reasonable in all the circumstances.

(17) For the purposes of this regulation, a relevant payment means as much of a payment of salary, wages, fees or other regular payment made to a member by the employing authority in respect of any period of time worked by the member in excess of the work required by the terms of their employment contract described in paragraph (12)—

(a) up to the whole-time equivalent according to the terms of the member's employment contract during a scheme year falling within the period of the member's remediable service, and

(b) that was treated by the member's employing authority as a payment for overtime for the purposes of regulation 27 of the 2015 Scheme.

(18) Where a member or, as the case may be, the member's personal representatives, has made an election under paragraph (13), that member will be treated as if they had made an election under regulation 27A(2) of the 2015 Scheme (election for relevant payments to be included as pensionable earnings).

(19) If a member or, as the case may be, the member's personal representatives, does not make an election under paragraph (13), all relevant payments made to that member will be treated as payments for overtime for the purposes of this regulation.".

Amendment of regulation 2.A.10

11.—(1) Regulation 2.A.10 (pensionable pay: breaks in service) is amended as follows.

(2) In paragraph (4)(b), for "(e)" substitute "(f)".

(3) In paragraph (8)(b), for "(e)" substitute "(f)".

Amendment of regulation 2.B.1

12. In regulation 2.B.1 (eligibility: general)(**a**), in paragraph (3)(a)(i) omit "on or".

Amendment of regulation 2.E.22

13. In regulation 2.E.22 (payment of lump sums or pensions on death), in paragraph (7), for "regulation 2.J.8(2)" substitute "regulation 2.J.8(4)".

Amendment of regulation 2.J.9

14.—(1) Regulation 2.J.9 (deduction of tax) is amended as follows.

(2) In paragraph (2)(a), after "benefit crystallisation event" insert ", occurring on or before 6 April 2024,".

(3) After paragraph (2) insert—

"(2A) If a person becomes entitled to a lump sum under this Part which is a relevant benefit crystallisation event, occurring on or after 6 April 2024, then for the purposes of section 637Q or section 637S of the Income Tax (Earnings and Pensions) Act 2003(**b**), the Scheme administrator must determine—

(a) whether any tax is payable in respect of the lump sum in accordance with section 204 of the 2004 Act, and if so,

(b) the amount of tax payable, and

(c) the person liable for that tax.".

Amendment of regulation 3.A.4

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

(2) In paragraph (3), for "(e)" substitute "(f)".

(3) In paragraph (4), for "(e)" substitute "(f)".

Amendment of regulation 3.A.5

16.—(1) Regulation 3.A.5(1) (meaning of "qualifying service") is amended as follows.

(2) Omit sub-paragraph (h).

(3) After sub-paragraph (i) insert—

"(j) in the case of a person who—

(i) ceased to be an active member of the 1995 Section on leaving NHS employment,

(ii) became a deferred member of that Section on leaving that employment and has not since become a pensioner member of that Section between the date of leaving that employment and joining this Section of the Scheme, and

(iii) became an active member of this Section of the scheme during the period beginning with 1 October 2008 and ending with 31 March 2015 and five years or more since last leaving NHS employment,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section,

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(**a**) Paragraph (3) of Regulation 2.B.1 was substituted by S.S.I. 2015/95.
(**b**) 2003 c. 1 Sections 637Q and 637S were inserted by the Finance Act 2024 (c. 3).
(**c**) Regulation 3.A.4 was amended by S.S.I. 2017/27 and S.I. 2020/354.

(k) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) or (2)(**a**) of regulation B4 of the 2011 Regulations (opting out of the Scheme),

(ii) as a result of that notice was treated as ceasing to be an active member of that Section,

(iii) pursuant to that notice remained opted out of that Section for five years or more, and

(iv) became an active member of this Section of the Scheme during the period beginning with 1 October 2008 and ending with 31 March 2015,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section, and

(l) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) of regulation B4 of the 2011 Regulations and following that notice, ceased to be an active member of that Section for any one period of five years or more comprising the aggregate of—

(aa) any period during which the person left NHS employment, and

(bb) any period during which the person was treated as never having been an active member of that Section in accordance with paragraph (3)(**b**) of regulation B4 of those Regulations in respect of one or more later periods of NHS employment entered into after having given the notice for the purposes of paragraph (1)) of that regulation, and

(ii) became an active member of this Section of the Scheme during the period beginning with 1 October 2008 and ending with 31 March 2015,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.".

Amendment of regulation 3.A.8

17. In regulation 3.A.8 (pensionable earnings – breaks in service), in paragraph (4)(b), for "(e)" substitute "(f)".

Amendment of regulation 3.B.1

18. In regulation 3.B.1 (eligibility: general)(**c**), in paragraph (3)(a)(i) omit "on or".

Amendment of regulation 3.E.22

19. In regulation 3.E.22 (payment of lump sums or pensions on death), in paragraph (7), for "regulation 3.J.8(2)" substitute "regulation 3.J.8(4)".

Amendment of regulation 3.J.9

20.—(1) Regulation 3.J.9 (deduction of tax) is amended as follows.

(2) In paragraph (2)(a), after "the 2004 Act" insert ", occurring on or before 6 April 2024,".

(3) After paragraph (2) insert—

(**a**) Paragraph (2) of Regulation B4 was revoked by S.S.I. 2013/109.
(**b**) Paragraph (3) of Regulation B4 was revoked by S.S.I. 2013/109.
(**c**) Paragraph (3) of Regulation 3.B.1 was substituted by S.S.I. 2015/95.

"(2A) If a person becomes entitled to a lump sum under this Part which is a relevant benefit crystallisation event occurring on or after 6 April 2024, then for the purposes of section 637Q or section 637S of the Income Tax (Earnings and Pensions) Act 2003(**a**), the Scheme administrator must determine—

(a) whether any tax is payable in respect of the lump sum in accordance with section 204 of the 2004 Act, and if so,

(b) the amount of tax payable, and

(c) the person liable for that tax.".

PART 5

Amendments to the National Health Service Pension Scheme (Scotland) Regulations 2015

General

21. The National Health Service Pension Scheme (Scotland) Regulations 2015(**b**) are amended in accordance with this Part.

Amendment of regulation 21

22.—(1) Regulation 21(1) (absence from work)(**c**) is amended as follows.

(2) After sub-paragraph (e) omit "or".

(3) In sub-paragraph (f) for "." Substitute ", or".

(4) After sub-paragraph (f) insert—

"(g) neonatal care leave.".

New regulation 27A

23. After regulation 27 (pensionable earnings), insert—

"Regulation 27A Pensionable earnings: scheme years 2015/16 to 2023/24

27A.—(1) This regulation applies to a member (M) if, during the scheme years 2015/16 to 2023/24—

(a) the terms of M's employment contract required M to work less than whole-time, according to those terms, for any period of time, and

(b) M received a relevant payment.

(2) M or, if M is deceased, M's personal representatives, may elect for all relevant payments to be included as pensionable earnings for the purposes of regulation 27.

(3) M's employing authority must, before 1 April 2026, or in exceptional circumstances at such later time as the scheme manager decides, send a notice in writing to M or, as the case may be, M's personal representatives, that they may make an election under paragraph (2).

(4) The notice referred to in paragraph (3) must specify the amount of contributions M and M's employing authority will be required to pay, and the amount of pensionable earnings M will be entitled to in respect of those contributions, if M or, as the case may be, M's personal representatives, makes an election under paragraph (2).

(**a**) 2003 c. 1. Sections 637Q and 637S were inserted by the Finance Act 2024 (c. 3).
(**b**) S.S.I. 2015/94.
(**c**) Regulation 21 was amended by S.I. 2020/354 and S.S.I. 2024/272.

(5) An election under paragraph (2) must be—

(a) made—

(i) by M or, as the case may be, M's personal representatives, in writing in such form and including such information as M's employing authority requires, and

(ii) in respect of all relevant payments received by M, and

(b) received by M's employing authority before—

(i) the end of the period of three months beginning with the day on which M is provided with the notice under paragraph (3), or

(ii) such later date before 1 October 2026 as M's employing authority considers reasonable in all the circumstances.

(6) For the purposes of this regulation, a relevant payment means so much of a payment of salary, wages, fees or other regular payment made to M by the employing authority—

(a) in respect of work undertaken by M during the scheme years 2015/16 to 2023/24 that was in excess of the work required by the terms of their employment contract described in paragraph (1)(a) up to the whole-time equivalent according to the terms of the member's employment contract, and

(b) that was treated by M's employing authority as a payment for overtime for the purposes of regulation 27.".

Amendment of regulation 28

24.—(1) Regulation 28 (pensionable earnings: break in service)(**a**) is amended as follows.

(2) After paragraph (2)(e) omit "or".

(3) After paragraph (2)(f) insert—

", or

(g) neonatal care leave.".

(4) In paragraph (6)(b), for "(f)" substitute "(g)".

(5) After paragraph (6)(b) insert—

"(c) for any period while M is within paragraph (2)(b) to (g) and M's earnings are immediately reduced to zero.".

(6) In paragraph (7)(a)—

(a) for "a woman on maternity leave" substitute "M",

(b) for "she" substitute "M".

(7) After paragraph (7) insert—

"(7A) For the purposes of paragraph (6)(c)—

(a) pay received by M in respect of days during which M returns to work for the purpose of keeping in touch with the workplace must be ignored,

(b) earnings reduced to zero are treated as if they were the amount equal to the rate of M's pensionable earnings immediately before the period of absence.".

(8) In paragraph (10)(b)—

(a) for "(f)" substitute "(g)",

(b) after "(6)(b)" insert "or (c)".

(9) In paragraph (10)(c), after "(7)" insert "and (7A)".

(10) In paragraph (12) omit "maternity".

(**a**) Regulation 28 was amended by S.I. 2020/354 and S.S.I. 2024/272.

Amendment of regulation 30

25. In regulation 30 (members' contributions: employees)(**a**)—

(a) in paragraph (3)—

(i) after sub-paragraph (l), insert—

"(m)from 1 April 2025 is the percentage specified in column 2 of Table 13 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.",

(ii) after table 12 insert—

"Table 13

Column 1 *Pensionable earnings band*	*Column 2* *Contribution percentage rate*
Up to £13,330	5.7%
£13,331 - £26,762	6.4%
£26,763 - £31,669	7.0%
£31,670 - £39,734	8.7%
£39,735 - £41,669	9.8%
£41,670 - £50,650	10.5%
£50,651 - £54,811	11.2%
£54,812 - £76,652	11.6%
£76,653 to any higher amount	12.7%"

(b) in paragraph (3B) substitute Table 2 with—

"Table 2

Column 1 *Pensionable earnings band*	*Column 2* *Contribution percentage rate*
Up to £13,330	5.7%
£13,331 - £26,762	6.4%
£26,763 - £31,669	7.0%
£31,670 - £39,734	8.7%
£39,735 - £41,669	9.8%
£41,670 - £50,650	10.5%
£50,651 - £54,811	11.2%
£54,812 - £76,652	11.6%
£76,653 to any higher amount	12.7%"

(c) after paragraph (3B), insert—

"(3C) Where paragraph 2A or 3 of Schedule 9 applies, M's contribution rate from 1 April 2025 is the percentage specified in column 2 of table 3 below in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.

Table 3

Column 1 *Pensionable earnings band*	*Column 2* *Contribution percentage rate*
Up to £13,330	5.7%
£13,331 - £27,899	6.4%

(**a**) Regulation 30 was amended by S.S.I. 2016/97, S.S.I. 2017/28, S.S.I. 2017/433, S.S.I. 2019/46, S.S.I. 2020/30, S.S.I. 2021/102, S.S.I. 2022/117 and S.S.I. 2024/272.

£27,900 - £33,015	7.0%
£33,016 - £41,423	8.7%
£41,424 - £43,440	9.8%
£43,441 - £52,803	10.5%
£52,804 - £57,140	11.2%
£57,141 - £79,910	11.6%
£79,911 to any higher amount	12.7%”

Amendment of regulation 31

26. In regulation 31 (members’ contributions: practitioners and non-GP providers)(**a**)—

(a) after paragraph (3)(j), insert—

“(k) for the scheme year 2025/26 is the percentage specified in column 2 of Table 11 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M’s pensionable earnings fall.”,

(b) in paragraph (9), after Table 10B insert—

“Table 11

Column 1 *Pensionable earnings band*	*Column 2* *Contribution percentage rate*
Up to £13,330	5.7%
£13,331 - £26,762	6.4%
£26,763 - £31,669	7.0%
£31,670 - £39,734	8.7%
£39,735 - £41,669	9.8%
£41,670 - £50,650	10.5%
£50,651 - £54,811	11.2%
£54,812 - £76,652	11.6%
£76,653 to any higher amount	12.7%”

Amendment of regulation 37

27.—(1) Regulation 37 (members’ contributions: supplementary: medical practitioners, non-GP providers)(**b**) is amended as follows.

(2) In paragraph (3)(b), for “additional” substitute “reduced”.

(3) In paragraph (4), after “in the circumstances” insert “(including amounts equal to reduced pensionable earnings that M is treated as having received during an absence from work (see regulation 28))”.

Amendment of regulation 59

28. In regulation 59 (determination of contribution payable), for paragraph (5) substitute—

“(5) An amendment under paragraph (4)(b) must not affect the contributions payable during that year under any option, except an option under which contributions begin to be paid after the date on which the amendment takes effect.”.

(**a**) Regulation 31 was amended by S.S.I. 2016/97, S.S.I. 2017/28, S.S.I. 2017/433, S.S.I. 2019/46, S.S.I. 2020/30, S.S.I. 2021/102, S.S.I. 2022/117 and S.S.I. 2024/272.

(**b**) Regulation 37 was amended by S.S.I. 2016/97 and S.S.I. 2024/272.

Amendment of regulation 67

29. In regulation 67 (effect of being absent or leaving and rejoining scheme during contributions payment period)(**a**), after paragraph (1)(ea)—

(a) omit "or",

(b) insert—

"(eb) is on neonatal care leave, or".

Amendment of Schedule 3

30.—(1) Paragraph 16 of Schedule 3 (administrative matters) is amended as follows.

(2) In sub-paragraph (2), after "these Regulations" insert "before 6 April 2024,".

(3) After sub-paragraph (2) insert—

"(2A) If a person's entitlement to a lump sum under these Regulations, on or after 6 April 2024, constitutes a relevant benefit crystallisation event for the purposes of section 637Q or section 637S of the Income Tax (Earnings and Pensions) Act 2003(**b**), the scheme administrator must determine—

(a) whether any tax is payable in respect of the lump sum in accordance with section 204 of the 2004 Act and if so,

(b) the amount of tax, and

(c) the person liable for that tax.".

(4) In sub-paragraph (7), after "these Regulations" insert ", before 6 April 2024,".

(5) After sub-paragraph (7) insert—

"(7A) A person who on or after 6th April 2024 is entitled to a lump sum under these Regulations, must, (whether or not he intends to rely on entitlement to transitional protection, or to enhanced protection), give to the scheme administrator such information as will enable the scheme administrator to determine—

(a) whether any tax is payable in respect of the lump sum in accordance with section 204 of the 2004 Act and if so,

(b) the amount of tax, and

(c) the person liable for that tax.".

(6) In sub-paragraph (8)—

(a) for "claiming" substitute "entitled to",

(b) after "these Regulations" insert ", before 6 April 2024,".

(7) After sub-paragraph (8) insert—

"(8A) If a person who is entitled to a lump sum under these Regulations, on or after 6 April 2024, intends to rely on entitlement to an enhanced allowance by virtue of the provisions listed in section 256(1) of the 2004 Act (enhanced allowance regulations), that person must give to the scheme administrator—

(a) the reference number issued by the Commissioners for His Majesty's Revenue and Customs under the Registered Pension Schemes (Enhanced Lifetime Allowance) Regulations 2006(**c**) in respect of that entitlement, and

(b) the information referred to in paragraph (7A).".

(8) In sub-paragraph (9)—

(a) for "claiming" substitute "entitled to",

(**a**) Regulation 67 was amended by S.S.I. 2020/354 and S.S.I. 2024/272.
(**b**) Sections 637Q and 637S were inserted by the Finance Act 2024 (c. 3).
(**c**) S.I. 2006/131.

(b) after "these Regulations" insert ", before 6 April 2024,".

(9) After sub-paragraph (9) insert—

"(9A) If a person who on or after 6 April 2024 is entitled to a lump sum under these Regulations intends to rely on entitlement to transitional protection in accordance with paragraph 14 of Schedule 18 of the Finance Act 2011, paragraph 1 of Schedule 22 of the Finance Act 2013 or parts 1 and 3 of Schedule 4 of the Finance Act 2016 that person must give to the scheme administrator—

(a) the reference number issued by the Commissioners for His Majesty's Revenue and Customs under the Registered Pension Schemes (Lifetime Allowance Transitional Protection) Regulations 2011(**a**) or Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Notification) Regulations 2013(**b**) in respect of that entitlement, and

(b) the information referred to in sub-paragraph (7A).".

(10) In sub-paragraph (10)—

(a) for "claiming" substitute "entitled to",

(b) after "these Regulations" insert ", before 6 April 2024,".

(11) After sub-paragraph (10) insert—

"(10A) If a person who is entitled to a lump sum under these Regulations, on or after 6 April 2024, intends to rely on entitlement to individual protection in accordance with paragraph 1 of Schedule 6 to the Finance Act 2014, that person must give to the scheme administrator—

(a) the reference number issued by the Commissioners for His Majesty's Revenue and Customs under the Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Individual Protection 2014 Notification) Regulations 2014(**c**) in respect of that entitlement, and

(b) the information referred to in paragraph (7A).".

(12) In sub-paragraph (11)—

(a) after "sub-paragraph (7)" insert "or (7A)",

(b) after "sub-paragraph (8)(a)," insert "8A(a),",

(c) after "(9)(a)" insert ", (9A)(a),",

(d) after "(9A)(a)," omit "or",

(e) after "(10)(a)" insert "or (10A)(a)".

(13) In sub-paragraph (12), after "Where the person" insert "entitled to a benefit under these Regulations, before 6 April 2024,".

(14) After sub-paragraph (12) insert—

"(12A) Where the person entitled to a lump sum under these Regulations, on or after 6 April 2024, fails to provide all, or part of, the information referred to in sub-paragraph (7A) or, as the case may be, reference numbers referred to in sub-paragraphs (8A)(a), (9A)(a) and (10A)(a) within the time limits specified, the scheme administrator may deem that the person is liable for the tax payable in respect of the whole of the lump sum.".

Amendment of Schedule 9

31.—(1) Schedule 9 (determination of pensionable earnings: setting contribution rates)(**d**) is amended as follows.

(**a**) S.I. 2011/1752.
(**b**) S.I. 2013/1741.
(**c**) S.I. 2014/1842.
(**d**) Schedule 9 was amended by S.S.I. 2016/97 and S.S.I. 2024/272.

(2) In sub-paragraph (6)(b) of paragraph 2 (continuous employment spanning two scheme years), for "additional" substitute "amounts equal to reduced".

(3) In sub-paragraph (5) of paragraph 2A (members who do not fall within any of the cases in paragraph 2), for "additional" substitute "amounts equal to reduced".

(4) In sub-paragraph (5) of paragraph 3 (change to employment or rate of pensionable earnings or allowances), in the definition of "EPE" after "current scheme year" insert "(including amounts equal to reduced pensionable earnings that the member is treated as having received during an absence from work (see regulation 28))".

Amendment of Schedule 10

32.—(1) Schedule 10 (practitioner contribution payments) is amended as follows.

(2) In paragraph 1 (medical practitioners and non-GP providers), after sub-paragraph (3) insert—

"(4) Where the certificate provided in accordance with sub-paragraphs (2) and (3) is based on provisional figures included in the return M made to HMRC, M must provide a revised certificate including final figures before the end of the period of one month starting on the date when the revised return containing final figures was required to be submitted to HMRC.".

(3) In paragraph 2 (medical practitioners not members of a practice), after sub-paragraph (2) insert—

"(3) The certificate must be provided before the end of the period of one month starting on the date when the return was required to be submitted to HMRC.

(4) Where the certificate provided in accordance with sub-paragraphs (2) and (3) is based on provisional figures included in the return M made to HMRC, M must provide a revised certificate including final figures before the end of the period of one month starting on the date when the revised return containing final figures was required to be submitted to HMRC.".

Amendment of Schedule 12

33. In Schedule 12 (lump sum on death), in sub-paragraph (7) of paragraph 9 (payment of lump sums on death), for "paragraph 12" substitute "paragraph 12(4)".

Amendment of Schedule 13

34.—(1) Schedule 13 (definitions)(**a**) is amended as follows.

(2) For the entry in Column 2 corresponding to the expression "overtime" substitute—

"any period of time worked during the period beginning with 1 April 2015 and ending with 31 March 2024 that is in excess of—

(a) whole-time, according to the terms of the member's employment contract, or

(b) if regulation 27A applies to the member, but the member does not make an election under paragraph (2) of that regulation, the lesser of—

(i) the period of time for which the member was contracted to work in the ordinary course of events, or

(ii) such a period of time as the scheme manager determines a person engaged in similar employment would reasonably be contracted to work in the ordinary course of events,

(c) any period of time worked on or after 1 April 2024 that is in excess of—

(**a**) Schedule 13 was amended by S.S.I. 2024/272.

(i) whole-time, according to the terms of the member's employment contract, or

(ii) the terms of the member's employment contract, during the period of 12 months following an election for partial retirement made under regulation 84".

(3) At the appropriate place in Column 1 insert "neonatal care leave" and for the corresponding entry in Column 2 insert "leave under section 80EF of the Employment Rights Act 1996(**a**)".

PART 6

Amendments to the National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015

General

35. The National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015(**b**) are amended in accordance with this Part.

New regulation 36A

36. After regulation 36 (abatement) insert—

"Entitlement to additional retirement benefits

36A.—(1) This regulation applies to or in respect of a member of the old scheme (M) who—

(a) became an active member of the 2008 Section pursuant to regulation 2.B.5 or 3.B.5 of the 2013 Regulations (joining this section of the scheme) for the first time on 1 April 2012, and

(b) was born on or before 31 August 1960.

(2) Where, on the coming into force of regulations 12 and 18 of the National Health Service Superannuation and Pension Schemes (Miscellaneous Amendment) (Scotland) Regulations 2025(**c**) (amendment of regulations 2.B.1 and 3.B.1 of the 2013 Regulations (eligibility: general)) the aggregate of the benefits that have been paid or would have become payable (but for the application of regulation 12 or 18) under the 2008 Section to any person ("the beneficiary") in respect of, or associated with M's pensionable service for the period beginning with 1 April 2015 and ending with 31 March 2022 exceeds the aggregate of the benefits to which the beneficiary is entitled or becomes entitled under the new scheme in respect of, or associated with M's pensionable service for that period, the scheme manager(**d**) of the new scheme must pay an amount equal to the difference to the beneficiary or if the beneficiary is deceased, that beneficiary's personal representatives.".

Amendment of Schedule 1

37. In paragraph 1 of Schedule 1 (eligibility of 1995 Section pensioners to join new scheme)(**e**), at the end of the table insert—

(**a**) Section 80EF was inserted by the Neonatal Care (Leave and Pay) Act 2023 (c. 20).
(**b**) S.S.I. 2015/95.
(**c**) S.S.I. 2025/259.
(**d**) For the meaning of "scheme manager", see regulation 3 of the 2015 Regulations.
(**e**) Schedule 1 was amended by S.S.I. 2022/100.

"9	a 1995 Section pensioner in receipt of a upper tier ill-health pension under regulation E5 of the 2011 Regulations— (a) who returns to NHS employment and the first anniversary of that return is on or after 1 April 2023; and (b) whose protection period for the purposes of regulation E5 of the 2011 Regulations spans 1 April 2023 or begins after 1 April 2023.	eligible to be an active member of the new scheme on the day after the protection period in regulation E3(6)(b) of the 2011 Regulations ends.
10	a 1995 Section pensioner, other than an upper tier ill health pensioner, who does not fall within one of the Groups above.	eligible to be an active member of the new scheme, or re-join the new scheme, on the first day on or after 1 April 2023 on which the member is in an employment that would, apart from the operation of regulation 19(1)(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations."

PART 7

Amendments to the National Health Service Pension Schemes (Remediable Service) (Scotland) Regulations 2023

General

38. The National Health Service Pension Schemes (Remediable Service) (Scotland) Regulations 2023(**a**) are amended in accordance with this Part.

Amendment of regulation 5

39. In regulation 5(4) (pension contributions of medical practitioners and non-GP providers: deferred choice active and deferred members), for "regulation 3(4)" substitute "regulation 4(5)".

Amendment of regulation 7

40. In regulation 7(2) (eligibility to make an election: designated persons)—

(a) in sub-paragraph (a), for "8(2)(b)(ii)" substitute "8(2)(b)(i)",

(b) in sub-paragraph (b), after "9(2)(b)(ii)" insert "or 12(2)(b)(ii)",

(**a**) S.S.I. 2023/246.

(c) in sub-paragraph (c), for "8(2)(b)(ii), 9(2)(b)(iii) or 12(2)(b)(ii)", substitute "8(2)(b)(iii), 9(2)(b)(iii) or 12(2)(b)(iii)".

Amendment of regulation 18

41. In regulation 18(12)(b) (treatment of buy-out contributions made under 2015 regulation 47: active and deferred members of the 2015 scheme), for "(7)(a)" substitute "(5)(a) or (7)(a)".

We consent

TAIWO OWATEMI
NICHOLAS DAKIN
Two of the Lords Commissioners of His Majesty's Treasury

15th September 2025

IVAN McKEE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
16th September 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service Superannuation Scheme (Scotland) Regulations 2011 ("the 2011 Regulations"), the National Health Service Pension Scheme (Scotland) (Additional Voluntary Contributions) Regulations 2018 ("the 2018 Regulations"), the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013 ("the 2013 Regulations"), the National Health Service Pension Scheme (Scotland) Regulations 2015 ("the 2015 Regulations"), and the National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015 ("the Transitional Regulations").

These Regulations come into force on 31 October 2025 and have effect from 1 April 2025, although regulations 1(3) to (10) provide for certain provisions to take effect from an earlier date and regulation 1(11) provides for certain provisions to come into force on 6 April 2025. Section 12(1) of the Superannuation Act 1972 and section 3(3)(b) of the Public Service Pensions Act 2013 provide that Scheme Regulations may make retrospective provision.

Regulations 3, 10, 23 and 34(2) amend the 2011, 2013 and 2015 Regulations to make provision regarding overtime worked by part time workers during the period 1 April 2015 to 31 March 2024.

Regulations 4, 6, 14, 20 and 30 amend the 2011, 2018, 2013 and 2015 Regulations to make amendments in consequence of the abolition of the pension tax life time allowance. The amendments are made with retrospective effect from 6 April 2024.

Regulations 8, 11, 15 and 17 correct cross-references to types of authorised leave in the 2013 Regulations so that they include parental bereavement leave. The amendments are made with retrospective effect from 6 April 2020.

Regulations 9 and 16 amend the 2013 Regulations with regard to when 1995 Section service counts as qualifying service in the 2008 Section of the NHS Pension Scheme. The amendments are made with retrospective effect from 1 April 2015.

Regulations 12 and 18 amend the 2008 Regulations with regard to eligibility to continue accrual in the 2008 Section of the NHS Pension Scheme with retrospective effect from 1 April 2015.

Regulations 13 and 19 correct cross-references in the 2013 Regulations relating to the forfeiture of lump sum payments, with retrospective effect to 1 April 2008. Regulation 33 corrects a similar cross-reference in the 2015 Regulations, with retrospective effect from 1 April 2015.

Regulations 22, 24(2) to (4) and (8)(a), 29 and 34(3) amend the 2015 Regulations to insert references to neonatal care leave alongside references to other types of authorised leave under the scheme.

Regulations 24(5), (6), (7), (8)(b), (9) and (10) and 31 make amendments to the 2015 Regulations in respect of how member contributions are calculated when a member has a period of reduced pay as a result of a specified absence. The amendments in regulations 24 have retrospective effect from 1 April 2015, and the amendments in regulation 31 have restrospective effect from 1 October 2022.

Regulations 25 and 26 insert new tables in the 2015 Regulations, specifying amended member contribution rates.

Regulation 27 amends the 2015 Regulations to align them with the 2011 and 2013 Regulations in respect of how the cost of additional pension is calculated when new factors apply.

Regulation 32(2) and (3) amends the 2015 Regulations to require the provision of a revised certificate of pensionable earnings by medical practitioners and non-GP providers in circumstances where provisional figures have been used.

Regulation 36 inserts a new provision in the Transitional Regulations which provides an entitlement to additional retirement benefits for certain members as a result of the correction.

Regulation 37 amends the Transitional Regulations, to allow certain 1995 Scheme pensioners to join the 2015 Scheme, with effect from 1 April 2023.

Regulations 38 to 41 make minor amendments to the National Health Service Pension Schemes (Remediable Service) (Scotland) Regulations 2023, to correct cross-references in regulations 5, 7 and 18 of those Regulations.

A full impact assessment has not been completed for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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