STATUTORY INSTRUMENTS

1983 No. 272 (S.24)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Superannuation) (Scotland) Amendment Regulations 1983

Made - - -	*24th February* 1983
Laid before Parliament	*11th March* 1983
Coming into Operation	*1st April* 1983

In exercise of the powers conferred by sections 10 and 12 of the Superannuation Act 1972(**a**) and of all other powers enabling me in that behalf, after consulting with such representatives of persons likely to be affected by these regulations as appear to me to be appropriate in accordance with section 10(4) of that Act, and with the consent of the Treasury (**b**), I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (Superannuation) (Scotland) Amendment Regulations 1983 and shall come into operation on 1st April 1983 and shall take effect—

(*a*) for the purposes of regulation 7(*c*) as from 1st June 1981;

(*b*) for the purposes of regulation 12 as from 6th April 1978 in respect of any person who was an officer on or after that date;

(*c*) for the purposes of regulations 7(*a*), (*b*) and (*d*), 8, 9, 13(*b*), 20 and 22 as from 11th January 1983; and

(*d*) for the purposes of all other regulations as from 1st April 1983.

(2) The National Health Service (Superannuation) (Scotland) Regulations 1980 to 1981(**c**) and these regulations may be cited together as the National Health Service (Superannuation) (Scotland) Regulations 1980 to 1983.

(3) In these regulations "the principal regulations" means the National Health Service (Superannuation) (Scotland) Regulations 1980(**d**) and other words and expressions used have the same meaning as in the principal regulations.

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (definitions)—

(*a*) in the definition of "added years" for the phrase "additional years" where it twice occurs there shall be substituted the phrase "additional periods";

(**a**) 1972 c.11; section 10(1)(*a*) is amended by Schedule 7, Part II to the National Health Service (Scotland) Act 1972 (c.58).

(**b**) *See* The Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670), Article 2.

(**c**) S.I. 1980/1177 and 1981/1680.

(**d**) S.I. 1980/1177, as amended by S.I. 1981/1680.

(*b*) after the definition of "average remuneration" there shall be inserted—

" "Community institution" means any institution of or common to the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;".

Amendment of regulation 7 of the principal regulations

3. In regulation 7 of the principal regulations (female nurses, physiotherapists, midwives and health visitors) after the words "5 years of service" there shall be inserted the words "in the employment of an employing authority or in employment in which they are subject to a health service scheme".

Amendment of regulation 10 of the principal regulations

4. In regulation 10 of the principal regulations (officer's pension and retiring allowance) in paragraph (1)(*a*)(v) for the words "the Commission of the European Communities" there shall be substituted the words "a Community institution".

Amendment of regulation 11 of the principal regulations

5. In regulation 11 of the principal regulations (rates of pension and retiring allowance) in paragraph (6) for the words "proviso (ii)" there shall be substituted the words "proviso (iii)".

Amendment of regulation 15 of the principal regulations

6. In regulation 15 of the principal regulations (death gratuity) in paragraph (3) for the words "regulation 29(4)" there shall be substituted the words "regulation 29(9)".

Amendment of regulation 16 of the principal regulations

7. In regulation 16 of the principal regulations (widow's pension)—

(*a*) after paragraph (1) there shall be inserted—

"(1A) Where a widow is entitled to receive a widow's pension of the amount specified in proviso (v) to paragraph (3) of this regulation and her marriage with such a person as is mentioned in paragraph (1) of this regulation took place after her late husband had become entitled to receive payment of a pension under these or the previous regulations the widow shall also be entitled to a widow's pension under paragraph (4) of this regulation at the rate specified in sub-paragraph (*a*) of the said paragraph (4).";

(*b*) in paragraph (4) after the words "her late husband" there shall be inserted "or, if the date of her late husband's death occurs on or after 11th January 1983 and she had one or more than one eligible child, dependent on her at that date of death, for the first six months following that date,";

(*c*) in paragraph (6)(*a*) the words "if that pension" to and including "after 25th March 1972 and" shall be deleted.

(*d*) after paragraph (7) there shall be inserted—

"(8) For the purposes of paragraph (4) of this regulation "eligible child" has the meaning given by regulation 17(3)(*b*).".

Amendment of regulation 17 of the principal regulations

8. In regulation 17 of the principal regulations (child's allowance) in paragraph (2)—

(*a*) in sub-paragraph (*a*) the words "having in either case completed not less than 5 years' service," shall be deleted;

(*b*) in sub-paragraph (*b*)(i) for the figure "16" in both places where it occurs there shall be substituted the figure "17";

(*c*) in sub-paragraph (*b*)(ii) for the colon there shall be substituted a full stop;

(*d*) the proviso shall be deleted.

Amendment of regulation 18 of the principal regulations

9. In regulation 18 of the principal regulations (pensions of limited duration for widows and dependent children)—

(*a*) in paragraph (2) for the words "regulations 19 and 20" there shall be substituted the words "regulation 20";

(*b*) in paragraph (3)(*a*)(ii) for the figure "16" there shall be substituted the figure "17";

(*c*) in paragraph (4)—

(i) at the end of sub-paragraph (*a*) there shall be inserted the word "or";

(ii) for sub-paragraph (*b*) there shall be substituted—
"(*b*) 6 months if the date of death of the officer occurs on or after 11th January 1983 and there is one or more than one dependent child dependent on the officer's widow at that date of death.";

(iii) sub-paragraph (*c*) and the word "or" immediately preceding that sub-paragraph shall be deleted.

Amendment of regulation 21 of the principal regulations

10. In regulation 21 of the principal regulations (power to compound certain small benefits) in paragraph (1) for the words "less than £39" there shall be substituted the words "less than £78".

Amendment of regulation 22 of the principal regulations

11. In regulation 22 of the principal regulations (guaranteed minimum pension under the Pensions Act) in paragraph (3) for sub-paragraph (*c*) there shall be substituted—

"(*c*) where the Secretary of State has discharged his liability by payment under—

(i) regulation 21; or

(ii) regulation 80 except that, notwithstanding the transfer payment, a guaranteed minimum pension may become payable following a transfer to a superannuation scheme established for the staff of a Community institution and approved by the Occupational Pensions Board established by section 66 of the Social Security Act 1973(**a**) and the Board of Inland Revenue for the purposes of this regulation.".

(**a**) 1973 c.38.

Amendment of regulation 23 of the principal regulations

12. In regulation 23 of the principal regulations (reckoning as service of previous periods of employment) in paragraph (1)(*b*) after the words "regulation 39(3))," there shall be inserted the words "except that, notwithstanding this paragraph, service which on leaving previous employment as an officer was reckonable under regulation 39(5)(*a*) or (*b*), together with any associated service to which regulation 36(1)(*a*) applies, will remain reckonable in relation to his employment as an officer,".

Amendment of regulation 24 of the principal regulations

13. In regulation 24 of the principal regulations (intervals in service due to illness or injury) in paragraph (1)—

(*a*) after the words "purposes of" there shall be inserted the words "proviso (ii) to regulation 4(1) and of"; and

(*b*) the reference to regulation 19 shall be deleted.

Amendment of regulation 27 of the principal regulations

14. For regulation 27 of the principal regulations (purchase of added years of contributing service) there shall be substituted—

"*Purchase of added years of contributing service*

27.—(1) Subject to its receipt by the Secretary of State and to the following provisions of this regulation an officer may, on giving written notice to the Secretary of State, elect—

(*a*) within 12 months of—

(i) first becoming an officer, or

(ii) becoming an officer without being able to reckon as service a previous period of employment as an officer,

to make a payment in accordance with the provisions of paragraph 1 of schedule 7; or

(*b*) where at least two years will elapse between the date of his next birthday following the material date and his date of intended retirement, to make payments in accordance with the provisions of paragraph 2 of schedule 7;

and if he so elects and makes payments in accordance with the provisions of schedule 7 which apply to him there shall be added to his contributing service after he has completed such payments a further period of service determined in accordance with this regulation and that schedule.

(2) An officer may not elect to make payments under this regulation—

(*a*) during a period of absence from duty without leave or a period of leave of absence from duty on account of sickness or a period of leave of absence from duty without remuneration or with reduced remuneration; or

(*b*) where he has become entitled to receive payment of benefits under regulation 10(1)(*a*)(ii), regulation 10(1)(*a*)(iv) or regulation 10(1)(*a*)(v).

(3) If an officer who has elected under paragraph (1)(*a*) of this regulation to make a single payment ceases to be an officer during the period mentioned in paragraph 6(3)(*a*)(ii) or paragraph 6(3)(*b*)(ii) of schedule 7 (otherwise than by virtue of regulation 24(1)) his election under the said paragraph (1)(*a*) shall cease to have effect.

(4) An officer who elects to make payments under paragraph (1)(*b*) of this regulation shall at the time of giving notice of his election provide a statement in writing signed by him that he knows of no reason why his health should prevent him from completing the payments required. If within 12 months of commencing payments under the said paragraph (1)(*b*) such an officer dies or makes application for the payment of an annual pension under regulation 10(1)(*a*)(i) which subsequently becomes payable, then on the happening of such event the election made by the officer shall cease to have effect and any payments made by him pursuant to such election shall be refunded:

Provided that where the Secretary of State is charged to income tax on any amount refunded under this paragraph, the sum payable by him under this paragraph shall be reduced by an amount equal to that tax.

(5) An officer who makes an election under paragraph (1)(*a*)(ii) or paragraph (1)(*b*) of this regulation in circumstances in which a previous period of employment, which was reckonable as service under these or the previous regulations, or under a health service scheme, in respect of which no transfer payment or any other benefit except a return of contributions has been paid, is no longer reckonable may request that his election apply to the whole or any part of such service, not being service in contracted-out employment, and the sum payable by him in respect of such service shall be one-half of the appropriate amount calculated in accordance with schedule 7.

(6) Where an officer in part-time employment has completed payments in accordance with the provisions of schedule 7 which apply to him by virtue of paragraph (1)(*a*) or paragraph (1)(*b*) of this regulation, the service added to his contributing service shall be the proportion that the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question, during the period specified in—

(i) paragraph 6(3)(*a*) of schedule 7 where the election was made under the said paragraph (1)(*a*); or

(ii) paragraph 2 of schedule 7 where the election was made under the said paragraph (1)(*b*).

(7) In the case of a practitioner who has made a payment in accordance with the provisions of schedule 7 which apply to him by virtue of paragraph (1)(*a*) of this regulation, in respect of each year that is added to his contributing service by virtue of paragraph (1) of this regulation there shall be added to his remuneration for the financial year in which the material date falls, the remuneration in

respect of which a payment under the said paragraph (1)(*a*) was calculated, and a proportionate part of such remuneration shall be added in respect of any part of a year.

(8) In the case of a practitioner who has made payments in accordance with the provisions of schedule 7 which apply to him by virtue of paragraph (1)(*b*) of this regulation, in respect of each year that is added to his contributing service by virtue of paragraph (1) of this regulation there shall be added to his remuneration for the financial year in which he reached his date of intended retirement, the annual average of his total uprated remuneration, uprated in accordance with regulation 70(2)(*a*), during the period for which contributions were paid, and a proportionate part of such remuneration shall be added in respect of any part of a year.

(9) Where an officer has ceased to make payments in accordance with the provisions of schedule 7 which apply to him by virtue of paragraph (1)(*b*) of this regulation before he has made all the payments which he is liable to pay and at least one payment has been made by him—

(*a*) subject to paragraph (4) of this regulation, if he has not attained the age of 60, and has become entitled to a pension under regulation 10(1)(*a*)(i) or dies while he is still an officer, any payments which he was liable to pay shall be deemed to have been paid by him and for the purpose of crediting additional service he shall be deemed to have continued in the same employment until his date of intended retirement;

(*b*) if he is in receipt of a pension under regulation 10(1)(*a*)(i) and he again becomes an officer before his date of intended retirement his election under the said paragraph (1)(*b*) shall continue to have effect and notwithstanding sub-paragraph (*a*) of this paragraph he shall be liable to make payments in accordance with the provisions of schedule 7 from the date he again became an officer;

(*c*) if he ceases to be an officer in circumstances other than those mentioned in sub-paragraph (*a*) of this paragraph or is absent from duty without leave or is such an officer as is mentioned in regulation 9(2)(*b*)(i) then, subject to regulation 30, there shall be added to his contributing service a period of service determined in accordance with the formula—

$$\frac{L \times P}{S}$$ where—

L is the length of the period in respect of which additional contributions have been paid;

P is the length of the period of additional contributing service in respect of which he elected to pay additional contributions; and

S is the length of the period in respect of which additional contributions should have been paid in accordance with his election under the said paragraph (1)(*b*);

(*d*) if sub-paragraph (c) of this paragraph has applied to him and he again becomes an officer within 12 months after the date he ceased to be an officer in circumstances in which his previous service is reckonable as contributing service, his election under the said paragraph (1)(*b*) shall continue to have effect;

(*e*) in the case of an officer in part-time employment the service added in accordance with sub-paragraph (*a*) or sub-paragraph (c) of this paragraph to his contributing service shall be the proportion that the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question during the period for which payments were made or were deemed to have been made.

(10) Where benefits under these regulations become payable to or in respect of an officer on a date earlier than his date of intended retirement, there shall be deducted from the period of contributing service determined in accordance with paragraph (9)(c) and, where applicable, (9)(e) of this regulation such a period as may be determined by the Government Actuary to allow for such earlier payment of benefits.

(11) In the case of a practitioner, in respect of each year that is added to his contributing service by virtue of paragraph (9) of this regulation, reduced in accordance with paragraph (10) of this regulation where appropriate, there shall be added to his remuneration for the financial year in which employment terminated, the annual average of his total uprated remuneration, uprated in accordance with regulation 70(2)(*a*), during the period for which contributions were paid, and a proportionate part of such remuneration shall be added in respect of any part of a year.

(12) In this regulation and schedule 7—

"date of intended retirement" means the date on which an officer will attain the age of 55, 60 or 65, whichever of those ages is that to which he has elected to pay additional contributions, and on or before which he would become entitled to receive payment of benefits under regulation 10(1)(*a*)(ii);

"material date" means the date on which an officer's election to make payments under this regulation is received by the Secretary of State.".

Amendment of regulation 28 of the principal regulations

15. In regulation 28 of the principal regulations (additional payments to reckon certain periods of service as contributing service at actual length)—

(*a*) in paragraph (3)(*c*) the words "in accordance with the provisions of schedule 7" shall be deleted;

(*b*) in paragraph (4)—

(i) at the end of sub-paragraph (*a*) the word "and" shall be deleted;

(ii) at the end of sub-paragraph (*b*) for the full stop there shall be substituted a semicolon, and immediately following there shall be inserted the word "and";

(iii) after sub-paragraph (*b*) there shall be inserted—

"(*c*) "schedule 7" means schedule 7 to the National Health Service (Superannuation) (Scotland) Regulations 1980 as originally made.".

Amendment of regulation 29 of the principal regulations

16. For regulation 29 of the principal regulations (purchase of unreduced retiring allowance) there shall be substituted—

"Purchase of unreduced retiring allowance

29.—(1) Subject to its receipt by the Secretary of State and to the following provisions of this regulation, where either proviso (*a*) or proviso (*b*) to regulation 11(3) applies to the calculation of an officer's retiring allowance, he may, on giving written notice to the Secretary of State, elect—

(*a*) within 12 months of—

(i) making a nomination under regulation 20, or

(ii) in the case of a male officer who marries after 31st March 1983 and whose retiring allowance thereby falls to be calculated in accordance with proviso (*a*) to regulation 11(3), the first date on which he is an officer after so marrying,

to make payment in accordance with the provisions of paragraph 1 of schedule 8; or

(*b*) where at least two years will elapse between the date of his next bithday following the material date and his date of intended retirement, to make payments in accordance with the provisions of paragraph 2 of schedule 8,

in respect of the whole or any part of his contributing service before 25th March 1972, so that the retiring allowance to which he may become entitled in repect of such contributing service shall, on completion of such payment be a sum equal to three times the annual amount of his pension (as calculated under regulation 11 or 70) in respect of that service, and for the purpose of calculating the payment required under this regulation any period of service which reckons at greater than its actual length by virtue of regulation 8 shall reckon at that greater length.

(2) An officer may not elect under this regulation—

(*a*) during a period of absence from duty without leave or a period of leave of absence from duty on account of sickness or a period of leave of absence from duty without remuneration or with reduced remuneration; or

(*b*) in respect of any service before 25th March 1972 for which he has received payment of a retiring allowance.

(3) If an officer who has elected under paragraph (1)(*a*) of this regulation to make a single payment ceases to be an officer during the period mentioned in paragraph 3(3)(*a*)(ii) or paragraph 3(3)(*b*)(ii) of schedule 8 (otherwise than by virtue of regulation 24(1)) his election under the said paragraph (1)(*a*) shall cease to have effect.

(4) An officer who elects to make payments under paragraph (1)(*b*) of this regulation shall at the time of giving notice of his election provide a statement in writing signed by him that he knows of no reason why his health should prevent him from completing the payments required. If within 12 months of commencing payments under the said paragraph (1)(*b*) such an officer dies or makes application for the payment of an annual pension under regulation 10(1)(*a*)(i) which subsequently becomes payable, then on the happening of such event the election made by the officer shall cease to have effect and any payments made by him pursuant to such election shall be refunded:

Provided that where the Secretary of State is charged to income tax on any amount refunded under this paragraph, the sum payable by him under this paragraph shall be reduced by an amount equal to that tax.

(5) Where an officer in part-time employment has completed payments in accordance with the provisions of schedule 8 which apply to him by virtue of paragraph (1)(*a*) or paragraph (1)(*b*) of this regulation, the provisions of paragraph (1) of this regulation shall apply only to that proportion of the contributing service in respect of which he has made payment as the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question, during the period specified in—

(i) paragraph 3(3)(*a*) of schedule 8 where the election was made under the said paragraph (1)(*a*); or

(ii) paragraph 2 of schedule 8 where the election was made under the said paragraph (1)(*b*).

(6) Where an officer has ceased to make payments in accordance with the provisions of schedule 8 which apply to him by virtue of paragraph (1)(*b*) of this regulation before he has made all the payments which he is liable to pay and at least one payment has been made by him—

(*a*) subject to paragraph (4) of this regulation, if he has not attained the age of 60, and has become entitled to a pension under regulation 10(1)(*a*)(i) or dies while he is still an officer, any payments which he was liable to pay shall be deemed to have been paid by him and he shall be deemed to have continued in the same employment until his date of intended retirement;

(*b*) if he is in receipt of a pension under regulation 10(1)(*a*)(i) and he again becomes an officer before his date of intended retirement his election under the said paragraph (1)(*b*) shall continue to have effect and notwithstanding sub-paragraph (*a*) of this paragraph he shall be liable to make payments in accordance with the provisions of schedule 8 from the date he again became an officer;

(*c*) if he ceases to be an officer in circumstances other than those mentioned in sub-paragraph (*a*) of this paragraph, or is absent from duty without leave or, as such an officer as is described in regulation 9(2)(*b*)(i), he has attained such service and age as

is therein mentioned, then the provisions of paragraph (1) of this regulation shall apply only to the contributing service determined in accordance with the formula—

$$\frac{F \times G}{H}$$ where—

F is the length of the period in respect of which additional contributions have been paid;

G is the length of the period of contributing service in respect of which he elected to pay additional contributions; and

H is the length of the period in respect of which additional contributions should have been paid in accordance with his election under the said paragraph (1)(*b*);

(*d*) if sub-paragraph (*c*) of this paragraph has applied to him and he again becomes an officer within 12 months after the date he ceased to be an officer in circumstances in which his previous service is reckonable as contributing service, his election under the said paragraph (1)(*b*) shall continue to have effect;

(*e*) in the case of an officer in part-time employment the provisions of sub-paragraph (*a*) or sub-paragraph (*c*) of this paragraph shall apply only to that proportion of the contributing service in respect of which he has, or by virtue of sub-paragraph (*a*) of this paragraph is deemed to have, made payments as the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question during the period for which payments were made or were deemed to have been made.

(7) Where benefits under these regulations become payable to or in respect of an officer on a date earlier than his date of intended retirement, there shall be deducted from the period of contributing service determined in accordance with paragraph (6)(*c*) and, where applicable, (6)(*e*) of this regulation such a period as may be determined by the Government Actuary to allow for such earlier payment of benefits.

(8) Where in the case of an officer to whom paragraph (1) of this regulation applies his contributing service includes service as a practitioner, the retiring allowance to which he may become entitled in respect of each year of service as a practitioner purchased shall be 4.2 per cent. of the annual average of his total uprated remuneration, uprated in accordance with regulation 70(2)(*a*), received in respect of service as a practitioner prior to 25th March 1972 and a proportionate part of such remuneration shall be credited in respect of any part of a year.

(9) In calculating the amount by which a death gratuity shall be reduced in accordance with the provisions of regulation 15(3)(*a*) or (*b*) or regulation 15(4), as the case may be, no account shall be taken of

that part of the officer's contributing service before 25th March 1972 in respect of which payment under paragraph (1) of this regulation has been completed or deemed to have been completed.

(10) In this regulation and schedule 8—

"date of intended retirement" means the date on which an officer will attain the age of 55, 60 or 65, whichever of those ages is that to which he has elected to pay additional contributions, and on or before which he would become entitled to receive payment of benefits under regulation 10(1)(*a*)(ii);

"material date" means the date on which an officer's election to make payment under this regulation is received by the Secretary of State.".

Amendment of regulation 31 of the principal regulations

17. In regulation 31 of the principal regulations (reckoning of contributing service) before the words "any periods" in paragraph (1)(*f*) there shall be inserted the words "except for the purposes of regulations 10(1)(*a*)(i), (iii), (iv) and (vi), 36(3) and 74(2),".

Amendment of regulation 46 of the principal regulations

18. In regulation 46 of the principal regulations (benefits of officers who have exercised option to retain rights corresponding with those previously enjoyed) in paragraph (1) after the words "and those provisions shall continue so to apply to and in respect of him" there shall be inserted the words "if he again becomes an officer to whom this regulation applies after becoming entitled to a pension under these or the previous regulations or".

Amendment of regulation 80 of the principal regulations

19. In regulation 80 of the principal regulations (rights on transfer to other employment)—

(*a*) in paragraph (1)—

(i) the word "and" at the end of sub-paragraph (*d*) shall be deleted;

(ii) for the comma at the end of sub-paragraph (*e*) there shall be substituted a semicolon and immediately following there shall be inserted the word "and";

(iii) after sub-paragraph (*e*) there shall be inserted—

"(*f*) he is not a person in respect of whom the Secretary of State has made a direction under regulation 62,";

(*b*) after paragraph (1) there shall be inserted—

"(1A) For the purpose of paragraph (1)(*e*) of this regulation, where the Occupational Pensions Board established by section 66 of the Social Security Act 1973 (**a**) and the Board of Inland Revenue have in the case of any person approved a transfer payment to a superannuation scheme established for the staff of a Community institution, employment under such scheme shall be deemed to be contracted-out.";

(*c*) in paragraph (5) after the words "regulation 10(1)(*a*)(v)" there shall be inserted the words ", regulation 22(3)(c)(ii)".

(**a**) 1973 c.38.

Amendment of regulation 82 of the principal regulations

20. In regulation 82 of the principal regulations (provisions relating to approved employment) in paragraph (2)(*c*) for the words "regulations 18, 19 and 20" there shall be substituted the words "regulations 18 and 20".

Amendment of schedule 1 to the principal regulations

21. In schedule 1 to the principal regulations (allocation of part of pension under regulation 14) in paragraph 1(*d*) for the sum "£39" there shall be substituted the sum "£78".

Amendment of schedule 5 to the principal regulations

22. In schedule 5 to the principal regulations (child's allowance under regulation 17)—

(*a*) in paragraph 1—

(i) the words "then, subject to the provisions of regulation 19(4)," shall be deleted;

(ii) for the words "if the child was born within that period, the remainder of the period" there shall be substituted the words "if the death of the parent occurs on or after 11th January 1983, for the first 6 months following that date of death, or, if the child was born within that period of 3 or 6 months, the remainder of that period of 3 or 6 months";

(iii) in the proviso, after the words "under this paragraph" there shall be inserted "in respect of an eligible child, dependent upon the widow or widower," and after the words "regulation 16(4)" there shall be inserted "or regulation 18(2)";

(*b*) after paragraph 1 there shall be inserted—

"1A. Where an officer or a person entitled to a pension under these or the previous regulations dies, leaving an eligible child not dependent on the widow or widower who is entitled to a widow's or widower's pension at the rate specified in regulation 16(4) or regulation 18(2), there shall be payable in respect of that child for the first 3 months following the death of the parent, or if the child was born within that period, the remainder of that period, a child's allowance at the rate specified in paragraph 1 of this schedule.";

(*c*) in paragraph 2—

(i) the words "and of regulation 19(4)" shall be deleted; and

(ii) for the words "paragraph 1" there shall be substituted "paragraphs 1 and 1A";

(*d*) in paragraph 3—

(i) at the end of sub-paragraph (i) the word "and" shall be deleted;

(ii) at the end of sub-paragraph (ii) for the full stop there shall be substituted a semicolon and immediately following there shall be inserted the word "and";

(iii) after sub-paragraph (ii) there shall be inserted—

"(iii) the pension of a person shall be deemed to have been calculated on not less than 10 years' service provided that the enhanced reckonable service does not exceed what would have been the reckonable service if the officer had continued to be employed until the age of 65 years.".

Amendment of schedule 7 to the principal regulations

23. For schedule 7 to the principal regulations (purchase of added years under regulation 27) there shall be substituted schedule 7 as set out in schedule 1 to these regulations.

Amendment of schedule 8 to the principal regulations

24. For schedule 8 to the principal regulations (purchase of unreduced retiring allowance under regulation 29) there shall be substituted schedule 8 as set out in schedule 2 to these regulations.

Transitional provisions relating to purchase of added years of contributing service

25. Regulations 2, 14, 17 and 23 of these regulations shall not have effect in relation to an election under regulation 27 of the principal regulations made by an officer before the coming into operation of these regulations, and the provisions of the principal regulations shall continue to apply to such an officer in respect of such an election as if these regulations had not been made.

26.—(1) On or after the date of coming into operation of these regulations, notwithstanding the provisions of regulation 27(1) of the principal regulations as amended by these regulations, an officer may, if his last birthday occurred during the period beginning with 1st May 1982 and ending with 30th April 1983, elect, on giving written notice to the Secretary of State, on or before 30th June 1983, to make payments under regulation 27(1)(*b*) amended as aforesaid as if the notice had been received by the Secretary of State on the day before that birthday.

(2) Where an officer to whom paragraph (1) of this regulation relates has given notice in accordance with that paragraph he shall on or before the expiration of a period of 3 months beginning with the date of receipt of such notice by the Secretary of State make a single payment equal to the total amount of the payments which would have been payable by him if notice of his election had been received by the Secretary of State on the day before that birthday; and if he does not make such a payment before the expiration of that period his election shall cease to have effect.

Transitional provisions relating to purchase of an unreduced retiring allowance

27. Regulations 6, 16 and 24 of these regulations shall not have effect in relation to an election under regulation 29 of the principal regulations made by an officer before the coming into operation of these regulations and the provisions of the principal regulations shall continue to apply to such an officer in respect of such an election as if these regulations had not been made.

28.—(1) On or after the date of coming into operation of these regulations, notwithstanding the provisions of regulation 29(1) of the principal regulations as amended by these regulations, an officer may, if his last birthday occurred during the period beginning with 1st May 1982 and ending with 30th April 1983, elect, on giving written notice to the Secretary of State, on or before 30th June 1983, to make payments under regulation 29(1)(*b*) amended as aforesaid as if the notice had been received by the Secretary of State on the day before that birthday.

(2) Where an officer to whom paragraph (1) of this regulation relates has given notice in accordance with that paragraph he shall on or before the expiration of a period of 3 months beginning with the date of receipt of such notice by the

Secretary of State make a single payment equal to the total amount of the payments which would have been payable by him if notice of his election had been received by the Secretary of State on the day before that birthday; and if he does not make such a payment before the expiration of that period his election shall cease to have effect.

Revocation

29. Regulations 18(5), (6) and (7) and 19 of, and schedule 11 to, the principal regulations are hereby revoked.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.

15th February 1983.

We consent to the making of these regulations.

Donald Thompson,
Alastair Goodlad,
Lords Commissioners of Her Majesty's Treasury.

24th February 1983.

Regulation 23

SCHEDULE 1

SCHEDULE SUBSTITUTED FOR SCHEDULE 7 TO THE PRINCIPAL REGULATIONS

"SCHEDULE 7

PURCHASE OF ADDED YEARS UNDER REGULATION 27

1. The sum payable under regulation 27(1)(*a*) by an officer shall be calculated in accordance with the provisions of paragraph 6 of this schedule and shall be paid by a lump sum payment within 3 months of either the material date or the end of the period mentioned in paragraph 6(3)(*a*)(ii) of this schedule.

2. The sum payable under regulation 27(1)(*b*) by an officer shall be calculated in accordance with the provisions of paragraph 7 of this schedule and shall be paid by additional percentage contributions beginning on the birthday following the material date and ending on the date of intended retirement.

Provided that the additional percentage contributions payable by an officer, together with any other contributions payable by him under these or the previous regulations, shall not in aggregate exceed 15 per cent. of his remuneration or such other limit as the Commissioners of Inland Revenue may from time to time specify.

3.—(1) Subject to sub-paragraph (2) of this paragraph and to the provisions of regulation 30 and paragraphs 4 and 5 of this schedule, the additional contributing service that an officer may elect to purchase shall not exceed the number of years in column (2) of table 1 below opposite the number of years of service set out in column (1) which would be reckonable on his attaining the age of 60, if his employment as an officer continued to that age.

(2) Where an officer has previously purchased or elected to purchase a period of added years of contributing service under regulation 27 or any corresponding provision of the previous regulations—

(i) that period shall not be included in ascertaining the number of years of contributing service of that officer which would be reckonable on his attaining the age of 60 if his employment as an officer continued to that age;

(ii) the number of added years of contributing service which an officer has purchased or elected to purchase shall be deducted from the number of years of additional contributing service which that officer would otherwise be entitled to purchase.

TABLE 1

(1) Potential number of complete years of contributing service reckonable at age 60	(2) Maximum number of years of contributory service that may be purchased
Less than 9	Nil
9	1
10	2
11	3
12	4
13	5
14	7
15	9
16	11
17	13
18	15
19	17
20 or more	20

4. The maximum number of added years of contributing service permitted under paragraph 3 of this schedule shall be reduced, in such manner as the Secretary of State may consider in any particular case to be appropriate, to take account of any retained benefits to which the officer became entitled before the material date (whether payable before, on or after that date), and for the purposes of this paragraph "retained benefits" means—

(a) any pension, lump sum retiring allowance or short service gratuity payable under these or the previous regulations;

(b) any superannuation benefits, including a return of contributions, payable on termination of employment otherwise than as an officer; and

(c) such other benefits as the Commissioners of Inland Revenue may from time to time specify:

Provided that this paragraph and paragraphs 3 and 5 of this schedule shall not apply in respect of the purchase of any service under regulation 27(5) nor in respect of the purchase of any service under regulation 27(2) of the National Health Service (Superannuation) (Scotland) Regulations 1980 as originally made.

5. Where the limits laid down from time to time by the Commissioners of Inland Revenue would allow added years to be purchased up to a different maximum from that provided in paragraphs 3 and 4 of this schedule, the maximum under this schedule shall be increased or reduced accordingly.

6.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 1 of this schedule, table 2 set out below shall apply in accordance with this paragraph.

(2) The age of an officer means his age at the material date.

(3) The remuneration of an officer is the aggregate of his remuneration as calculated under (*a*) and (*b*) below.

(a) The remuneration of an officer, other than a practitioner, means the annual average of his remuneration during the 3 months of continuous employment as such officer—

(i) before the material date; or

(ii) to the end of the first 3 months of such employment if that is later than the material date:

Provided that—

(i) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, such fees shall be disregarded; and

(ii) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty, the absence shall be disregarded and no account shall be taken of the reduction or suspension.

(b) The remuneration of a practitioner means—

(i) the annual average of his total uprated remuneration (calculated in accordance with regulation 70(2)(*a*)) for service as a practitioner before the material date, any service that may be treated as practitioner service by virtue of regulations 71 and 72 being disregarded; or

(ii) the annual average of his remuneration as a practitioner to the end of the first complete quarter of service as a practitioner if that is later than the material date.

(4) The sum payable by an officer shall be calculated by multiplying his remuneration by the amount specified in column (2) of table 2 opposite his age specified in column (1) and the length (expressed in years and fractions of a year) of the additional period that he elects to purchase and dividing the product by 100.

7.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 2 of this schedule, table 3 set out below shall apply in accordance with this paragraph.

(2) The age of an officer means his age on his next birthday following the material date.

(3) The remuneration of an officer means his total remuneration, including remuneration as a practitioner, during the period for which additional contributions are payable:

Provided that—

(i) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations such fees shall be disregarded; and

(ii) the provisions of regulation 9(3) shall also apply to contributions payable under paragraph 2 of this schedule where an officer is on leave of absence from duty with reduced remuneration or without remuneration.

(4) The sum payable by an officer shall be the percentage of remuneration specified in the column of table 3 appropriate to his date of intended retirement opposite his age, multiplied by the length (expressed in years and fractions of a year) of the additional period he desires to reckon as contributing service in pursuance of regulation 27(1)(*b*), and rounded to the next 0.01 per cent. above.

8. If on application for the purpose made in writing by the officer to the Secretary of State, the Secretary of State is of the opinion that payment in accordance with paragraph 2 of this schedule is causing, or continuation of such payments would cause him, financial hardship and in his discretion consents to the discontinuance of such payment, the officer shall not continue to make such payments and regulation 27(9)(*c*) shall apply.

TABLE 2

(1) AGE	(2) AMOUNT APPROPRIATE IN RESPECT OF EACH £100 OF REMUNERATION
	£
20	25.20
21	24.70
22	24.20
23	23.70
24	23.20
25	22.70
26	22.20
27	21.80
28	21.40
29	21.10
30	20.90
31	20.70
32	20.50
33	20.30
34	20.10
35	20.00
36	20.00
37	20.00
38	20.00
39	20.00
40	20.00
41	20.00
42	20.00
43	20.00
44	20.00
45	20.10
46	20.30
47	20.50
48	20.70
49	20.90
50	21.00
51	21.00
52	21.00
53	21.00
54	21.00
55	21.10
56	21.30
57	21.60
58	21.90
59	21.90
60	21.70
61	21.50
62	21.30
63	21.10
64	21.00
65	20.80
66	20.30
67	19.70
68	19.10
69	18.50

TABLE 3

AGE	PERCENTAGE OF REMUNERATION		
	Age 55 at date of intended retirement	Age 60 at date of intended retirement	Age 65 at date of intended retirement
20	.61	.50	.36
21	.64	.52	.38
22	.67	.54	.40
23	.70	.56	.42
24	.74	.58	.44
25	.78	.60	.46
26	.82	.62	.48
27	.86	.64	.50
28	.90	.66	.52
29	.94	.68	.54
30	.98	.70	.56
31	1.02	.72	.58
32	1.07	.75	.60
33	1.12	.78	.62
34	1.17	.81	.64
35	1.22	.85	.67
36	1.28	.89	.69
37	1.35	.93	.72
38	1.43	.98	.74
39	1.51	1.03	.77
40	1.60	1.09	.80
41	1.70	1.15	.83
42	1.83	1.22	.87
43	2.00	1.30	.91
44	2.20	1.39	.95
45	2.42	1.48	1.00
46	2.69	1.58	1.06
47	3.02	1.70	1.13
48	3.45	1.85	1.21
49	4.02	2.03	1.29
50	4.80	2.25	1.38
51	6.04	2.53	1.48
52	8.05	2.86	1.60
53	12.18	3.26	1.74
54		3.80	1.90
55		4.58	2.08
56		5.77	2.30
57		7.77	2.56
58		12.06	2.92
59			3.40
60			4.10
61			5.20
62			6.97
63			10.42"

SCHEDULE 2 Regulation 24

SCHEDULE SUBSTITUTED FOR SCHEDULE 8 TO THE PRINCIPAL REGULATIONS

"SCHEDULE 8

PURCHASE OF UNREDUCED RETIRING ALLOWANCE UNDER REGULATION 29

1. The sum payable under regulation 29(1)(*a*) by an officer shall be calculated in accordance with the provisions of paragraph 3 of this schedule and shall be paid by a lump sum payment within 3 months of either the material date or the end of the period mentioned in paragraph 3(3)(*a*)(ii) of this schedule.

2. The sum payable under regulation 29(1)(*b*) by an officer shall be calculated in accordance with the provisions of paragraph 4 of this schedule and shall be paid by additional percentage contributions beginning on the birthday following the material date and ending on the date of intended retirement:

Provided that the additional percentage contributions payable by an officer, together with any other contributions payable by him under these or the previous regulations, shall not in aggregate exceed 15 per cent. of his remuneration or such other limit as the Commissioners of Inland Revenue may from time to time specify.

3.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 1 of this schedule, table 1 set out below shall apply in accordance with this paragraph.

(2) The age of an officer means his age at the material date.

(3) The remuneration of an officer is the aggregate of his remuneration as calculated under (*a*) and (*b*) below.

(a) The remuneration of an officer, other than a practitioner, means the annual average of his remuneration during the 3 months of continuous employment as such officer—

(i) before the material date; or

(ii) to the end of the first 3 months of such employment if that is later than the material date:

Provided that—

(i) the remuneration of such officer who at the material date was an officer specified in regulation 9(2) shall be his average remuneration increased by an annual amount equal to any increase which would have been payable at the material date under the Pensions (Increase) Act 1971(**a**) on a pension of the same amount as such average remuneration and beginning on the day on which regulation 9(2) first applied to him;

(ii) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, his remuneration shall be increased by a sum equal to the amount of such fees earned by him in the last financial year ending before the material date; and

(iii) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty, the absence shall be disregarded and no account shall be taken of the reduction or suspension.

(b) The remuneration of a practitioner means—

(i) the annual average of his total uprated remuneration (calculated in accordance with regulation 70(2)(*a*)) for service as a practitioner before the material date, any service that may be treated as practitioner service by virtue of regulations 71 and 72 being disregarded; or

(ii) the annual average of his remuneration as a practitioner to the end of the first complete quarter of service as a practitioner if that is later than the material date.

(**a**) 1971 c.56.

(4) The sum payable by an officer shall be calculated by multiplying his remuneration by the amount specified in column (2) of table 1 opposite his age specified in column (1) and the length (expressed in years and fractions of a year) of the contributing service in respect of which he elects to make such payment and dividing the product by 100.

4.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 2 of this schedule, table 2 set out below shall apply in accordance with this paragraph.

(2) The age of an officer means his age on his next birthday following the material date.

(3) The remuneration of an officer means his total remuneration, including remuneration as a practitioner, during the period for which additional contributions are payable:

Provided that—

(i) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, his remuneration shall include the value of such fees paid to him; and

(ii) the provisions of regulation 9(3) shall also apply to contributions payable under paragraph 2 of this schedule where an officer is on leave of absence from duty with reduced remuneration or without remuneration.

(4) The sum payable by an officer shall be the percentage of remuneration specified in the column of table 2 appropriate to his date of intended retirement opposite his age, multiplied by the length (expressed in years and fractions of a year) of the contributing service in respect of which he has elected to make payment, and rounded to the next 0.01 per cent. above.

5. If on application for the purpose made in writing by the officer to the Secretary of State, the Secretary of State is of the opinion that payment in accordance with paragraph 2 of this schedule is causing, or continuation of such payment would cause him, financial hardship and in his discretion consents to the discontinuance of such payment, the officer shall not continue to make such payment and regulation 29(6)(*c*) shall apply.

TABLE 1

(1) AGE	(2) AMOUNT APPROPRIATE IN RESPECT OF EACH £100 OF REMUNERATION
	£
29	2.48
30	2.46
31	2.44
32	2.41
33	2.39
34	2.36
35	2.35
36	2.35
37	2.35
38	2.35
39	2.35
40	2.35
41	2.35
42	2.35
43	2.35
44	2.35
45	2.36
46	2.38
47	2.41
48	2.44
49	2.46
50	2.47
51	2.47
52	2.47
53	2.47
54	2.47
55	2.48
56	2.50
57	2.50
58	2.50
59	2.50
60	2.50
61	2.50
62	2.50
63	2.50
64	2.50
65	2.50
66	2.50
67	2.50
68	2.50
69	2.50

TABLE 2

AGE	PERCENTAGE OF REMUNERATION		
	Age 55 at date of intended retirement	Age 60 at date of intended retirement	Age 65 at date of intended retirement
29	.11	.08	.06
30	.12	.08	.07
31	.12	.08	.07
32	.13	.09	.07
33	.13	.09	.07
34	.14	.10	.08
35	.14	.10	.08
36	.15	.11	.08
37	.16	.11	.08
38	.17	.12	.09
39	.18	.12	.09
40	.19	.13	.09
41	.20	.13	.10
42	.22	.14	.10
43	.24	.15	.11
44	.26	.16	.11
45	.29	.17	.12
46	.32	.19	.12
47	.36	.20	.13
48	.41	.22	.14
49	.47	.24	.15
50	.56	.27	.16
51	.71	.30	.17
52	.95	.34	.19
53	1.43	.38	.20
54		.45	.22
55		.54	.24
56		.68	.27
57		.91	.30
58		1.42	.34
59			.40
60			.48
61			.61
62			.82
63			1.23"

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the National Health Service (Superannuation) (Scotland) Regulations 1980 ("the regulations") which provide for the payment of pensions and other benefits to persons engaged in the National Health Service.

The principal changes are as follows:—

(*a*) The period for which a widow's pension is payable at the same rate as her late husband's remuneration if he died while still employed in the National Health Service, or at the same rate as his pension if he was receiving a pension under the regulations at the date of his death, is extended from the first 3 to the first 6 months after his death where there are dependent children (regulations 7 and 9).

(*b*) A widow who had married her late husband after he had become entitled to receive payment of a pension under the regulations will be entitled to a widow's pension at the rate of her late husband's pension for 3 months after his death provided she is entitled to a continuing widow's pension (regulation 7).

(*c*) The provision which enables a widow's pension to be paid again to a former officer's widow, who had re-married but where that marriage had since ended, provided the former officer's period of service in the health service had included a period on or after 25th March 1972 is also to apply to the widow of an officer who had ceased to be employed before 25th March 1972 (regulation 7).

(*d*) The condition whereby entitlement by a dependent child of a deceased officer to child's allowance is founded upon a minimum of 5 years' service by the officer in the National Health Service is removed, and child's allowance is calculated on the basis of a deemed 10 years' service except that where the officer's maximum service up to the age of 65 would have been less than 10 years the period of service is limited to that period (regulations 8 and 22).

(*e*) The period for which a child's allowance is payable at the same rate as a deceased officer's remuneration or pension rate, as the case may be, is extended from 3 to 6 months where the deceased officer is not survived by a widow or widower (regulation 22).

(*f*) Provision is made for a child's allowance to be payable at the same rate as a deceased officer's pension or remuneration for 3 months in respect of a child who is not dependent on the surviving widow or widower and the maximum age of a child for which a child's allowance is payable is increased to 17 (regulations 8 and 22).

(*g*) The amount of any sum payable annually below which the Secretary of State may discharge his liability by payment of a lump sum is increased from £39 to £78 (regulation 10).

(*h*) Provision is made whereby an officer may purchase additional service by payment of contributions of a fixed percentage of superannuable pay; greater flexibility is provided by allowing the purchase of periods of less than a complete year at any time in an officer's career provided that he can pay contributions for at least 2 years from his next birthday until the date he intends to retire (being when he reaches 55, 60 or 65). This provision replaces the previous provision which allowed an officer to pay by instalments over a period of years. Purchase by lump sum payment is retained as an option for officers in the first 12 months after their becoming subject to the provisions of the regulations (regulation 14).

(*i*) Provision is made whereby an officer may purchase an unreduced retiring allowance by payment of contributions of a fixed percentage of superannuable pay. This provision will enable an officer to purchase an unreduced retiring allowance at any time during his career provided that he can pay the contributions for at least 2 years from his next birthday, until the date he intends to retire (being when he reaches 55, 60 or 65). This provision replaces the previous provision which enabled an officer to pay by instalments over a period of years. The right to purchase an unreduced retiring allowance on payment of a lump sum is retained for those officers who apply within 12 months of marriage or, if they are married before they become subject to the regulations, within 12 months of that date (regulation 16).

(*j*) Provision is made to enable officers who had elected to remain subject to the terms of certain superannuation schemes instead of participating in the National Health Service Superannuation Scheme, to remain subject to those schemes with preserved benefits on re-employment in the National Health Service, or after having become entitled to receive payment of a pension (regulation 18).

(*k*) Provision is made whereby a transfer payment may be made to a superannuation scheme established for the staff of a European Community institution in respect of an officer who becomes employed by a Community institution, subject to approval by the Occupational Pensions Board and the Board of Inland Revenue in individual cases (regulation 19).

(*l*) Provision is made whereby when a transfer of accrued pension benefit to a superannuation scheme established for the staff of a European Community institution is made in respect of an officer and the pension benefits provided by that scheme are below the level of guaranteed minimum pension any shortfall in that amount is made up (regulation 11).

(*m*) The provision which precludes an officer from allocating part of his pension to his surviving spouse or dependant where the amount of the spouse's or dependant's pension would be less than a specified amount is amended by increasing that amount from £39 to £78 (regulation 21).

These regulations also make minor drafting and other amendments to the regulations.

Section 12(1) of the Superannuation Act 1972 authorises the retrospective effect of regulations. Regulation 12 will have such effect as from 6th April 1978 in respect of any person who was an officer on or after that date, regulation 7(*c*) as from 1st June 1981, paragraphs (*a*), (*b*) and (*d*) of regulation 7 and regulations 8, 9, 13(*b*), 20 and 22 as from 11th January 1983. (Regulation 1).

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