STATUTORY INSTRUMENTS

# 1976 No. 1742 (S.138)

# NATIONAL INSURANCE

## The National Insurance (National Health Service Superannuation (Scotland) Scheme—Modification and Non-participation) Regulations 1976

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| *Made* - - - - - | 13*th October* 1976 |
| *Laid before Parliament* - | 29*th October* 1976 |
| *Coming into Operation* - | 19*th November* 1976 |

In exercise of the powers conferred by section 110(1)(**a**) of the National Insurance Act 1965(**b**), having been determined by the Treasury to be the appropriate Minister of the Crown to make regulations under that subsection modifying the scheme for the provision of pensions and other benefits established by regulations made under section 66 of the National Health Service (Scotland) Act 1947(**c**) and now deemed to be made under section 10 of the Superannuation Act 1972(**d**) (by virtue of paragraph 8(1) and (2) of Schedule 7 to that Act), I hereby make the following regulations:—

### PART I

### PRELIMINARY

*Citation and commencement*

**1.** These regulations may be cited as the National Insurance (National Health Service Superannuation (Scotland) Scheme—Modification and Non-participation) Regulations 1976, and shall come into operation on 19th November 1976.

*Interpretation*

**2.**—(1) In these regulations, unless the context otherwise requires—

"the Act of 1959" means the National Insurance Act 1959(**e**);

"the Act of 1965" means the National Insurance Act 1965(**f**);

"the Northern Ireland Act" means the National Insurance Act (Northern Ireland) 1959(**g**);

"the Isle of Man Act" means the National Insurance (Isle of Man) Act 1961 (an Act of Tynwald);

"the principal regulations" means the National Health Service Superannuation (Scotland) Regulations 1961(**h**), as amended(**i**);

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(**a**) Continued in force by regulation 3 of and schedule 1 to the National Insurance (Non-participation—Transitional Provisions) Regulations 1974, (S.I. 1974/2057 (1974 III, p. 8011)).
(**b**) 1965 c. 51.
(**c**) 1947 c. 27.
(**d**) 1972 c. 11.
(**e**) 1959 c. 47.
(**f**) 1965 c. 51.
(**g**) 1959 c. 21 (N.I.).
(**h**) S.I. 1961/1398 (1961 II, p. 2697).
(**i**) S.I. 1975/1376(1975 II, p. 4693).

"the National Insurance Regulations 1974" means the National Insurance (Non-participation—Transitional Provisions) Regulations 1974(**a**);

"equivalent pension benefits" has the meaning assigned to it by sections 56(1)(*a*) and 57(1) of the Act of 1965;

"graduated contributions" means contributions payable under section 1(1)(*b*) of the Act of 1959, section 4 of the Act of 1965 or the corresponding provision of the Northern Ireland Act or the Isle of Man Act;

"local government service" means employment under a scheduled body within the meaning of the Local Government Superannuation (Scotland) Regulations 1974, a local authority or a local Act authority within the meaning of section 34(1) of the Act of 1937, or the corresponding provisions in force in England and Wales;

"modification provision" means, in relation to any pension scheme, any provision the effect of which is that pensions under that scheme are to be reduced in connection with the operation of the provisions of the Act of 1965, the Northern Ireland Act or the Isle of Man Act, relating to the payment of graduated retirement benefit;

"non-participating employment" has the meaning assigned to it by section 56 of the Act of 1965 or the corresponding provision of the Northern Ireland Act or the Isle of Man Act, as the case may be;

"optants scheme" means a superannuation scheme (whether or not embodied in any enactment, rules or regulations) which describes the superannuation benefit to which an officer is entitled by reason of his having elected, under regulation 44 or regulation 46 of the principal regulations or the corresponding provisions of the previous regulations to retain rights corresponding with those which he previously enjoyed under such a scheme, but the expression does not include any superannuation scheme mentioned in Schedule 1 to these regulations;

"participating employment", in relation to any period which is reckonable as service for the purposes of the principal regulations, means any employment in which a person was required to pay graduated contributions or would have been required to pay such contributions if the amount paid in any income tax week on account of his remuneration, or which would have been paid but for any suspension of remuneration due to leave of absence, exceeded the amount first mentioned in section 4(1) of the Act of 1965, or the corresponding provision of the Northern Ireland Act or the Isle of Man Act, as the case may be;

"payment in lieu of contributions" means a payment in lieu of contributions under the Act of 1959, the Act of 1965, the Northern Ireland Act or the Isle of Man Act;

and other words and expressions have the same meanings as in the principal regulations.

(2) References in these regulations to the provisions of any enactment, scheme or regulation shall, unless the context otherwise requires, be construed as references to those provisions as amended, modified, extended, applied or re-enacted by any subsequent enactment, scheme or regulation, including these regulations.

(3) The Interpretation Act 1889(**b**), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(**a**) S.I. 1974/2057 (1974 III, p. 8011). (**b**) 1889 c. 63.

*Modification of the principal regulations, schemes, etc.*

**3.** The principal regulations and, so far as it concerns an officer, any optants scheme shall have effect subject to the modifications contained in these regulations.

PART II

*Reduction of pensions*

**4.**—(1) Subject to the provisions of this regulation, where any period of service reckonable in calculating the amount of any pension to which an officer is entitled under the principal regulations has been in participating employment, as from the date on which the officer becomes entitled to that pension, or if on becoming entitled to the pension he has not yet reached the age of 65 years in the case of a man or 60 years in the case of a woman, as from the date on which he reaches that age, the part of the pension which is attributable to any such period of service shall be reduced in accordance with this part of these regulations, and regulation 51 of the principal regulations or the corresponding provision of any optants scheme shall cease to apply in relation to that part of the pension.

(2) The reduction required to be made in accordance with this part of these regulations shall not be less than that required to be made under the said regulation 51 or corresponding provision of an optants scheme.

(3) For the purpose of this part of these regulations, no account shall be taken of any period of participating employment occurring in an income tax year if no graduated contributions have been paid in respect of all such periods during that year.

(4) Notwithstanding anything in the last foregoing paragraph, a period of employment as an officer, at the end of which a payment in lieu of contributions has been made, shall be treated for the purpose of this part of these regulations as a period of participating employment.

(5) No account shall be taken of the reduction of any pension under this part of these regulations—

(*a*) in calculating the amount of any retiring allowance or death gratuity or of any pension or allowance to or in respect of a widow, child or other dependant, payable under the principal regulations or an optants scheme; or

(*b*) for the purposes of paragraph 1(*a*) of schedule 1 to the principal regulations (which limits the extent to which a pension can be surrendered).

**5.**—(1) Where a pension would, apart from these regulations, be subject to reduction in accordance with regulation 51 of the principal regulations, so much of that pension as is attributable to any period of participating employment shall, subject to paragraph (2) of this regulation, be reduced—

(*a*) for each year of such employment which is reckonable as contributing service otherwise than as a practitioner, by a sum equal to one two-hundred-and-fortieth of so much of the retiring remuneration as does not exceed—

(i) in respect of any such year prior to 6th January 1964, £780 per annum; or

(ii) in respect of any such year on or after 6th January 1964, £936 per annum,

and by a proportionate part of such sum for any part of such year; and

(*b*) for each year ending 31st March or part of such year of such employment which is reckonable as contributing service as a practitioner, by a sum equal to one-half per cent of so much of his remuneration—

(i) in respect of any year or part of a year prior to 1st April 1964 as does not exceed £780 per annum; or

(ii) in respect of any year or part of a year on or after 1st April 1964 as does not exceed £936 per annum:

Provided that—

(i) where a mental health officer is entitled by virtue of regulation 8 of the principal regulations to reckon any year of contributing service as such an officer as if it were 2 years, so much of the pension as is attributable to any additional year so reckonable shall, in lieu of such reduction as aforesaid, be reduced by the sum of £1·70 in respect of each such year;

(ii) where any employment described in sub-paragraph (*a*) of this paragraph is reckonable as contributing service at half its length by virtue of regulation 34(1) of the principal regulations, for the reference in the said sub-paragraph to one two-hundred-and-fortieth there shall be substituted a reference to one four-hundred-and-eightieth;

(iii) in respect of any period of non-participating employment at the end of which a payment in lieu of contributions has been made such reduction as aforesaid shall be calculated as if the person's remuneration or retiring remuneration had been the remuneration taken into account in calculating the payment in lieu of contributions.

(2) If the last period of contributing service before 6th April 1975 of an officer, other than an officer who is a registered medical or dental practitioner, was non-participating employment in respect of which no payment in lieu of contributions has been made, no account shall be taken for the purpose of this regulation of any retiring remuneration—

"(*a*) in respect of any period of participating employment prior to 6th January 1964, in excess of £650 per annum in the case of a man and £575 per annum in the case of a woman; and

(*b*) in respect of any period of participating employment on or after 6th January 1964, in excess of £730 per annum in the case of a man and £680 per annum in the case of a woman,

but in the application of this paragraph to a person who became an officer before 1st January 1974 after having been employed in local government service in which employment the last period was non-participating employment for which no payment in lieu of contributions has been made, the following sub-paragraphs shall be substituted for sub-paragraphs (*a*) and (*b*) above in respect of any participating employment in that employment—

"(*a*) in respect of any period of participating employment prior to 6th January 1964, in excess of £676 per annum in the case of a man and £624 per annum in the case of a woman; and

(*b*) in respect of any period of participating employment on or after 6th January 1964, in excess of £754 per annum in the case of a man and £702 per annum in the case of a woman.".

(3) For the purpose of this regulation, "retiring remuneration" means in relation to an officer other than a practitioner his average remuneration calculated in accordance with regulation 35(1) of the principal regulations except proviso (*g*) thereto, or where the pension was calculated under an optants scheme, the average remuneration on which his pension is based uprated by the same factor used to uprate his pension in accordance with regulation 44(7)(*d*)(ii) of the principal regulations.

*Reduction of pensions payable to certain classes of officer*

**6.** Where a pension would, apart from these regulations, be subject to reduction under regulation 51(3)(*a*) or (*b*) of the principal regulations, so much of that pension as is attributable to any period of participating employment shall be reduced in accordance with the said sub-paragraph (*a*) or sub-paragraph (*b*), as the case may be, and shall be further reduced in accordance with regulation 5 of these regulations but shall be increased by the sum of £1·70 for each year of contributing service and by a proportionate amount of that sum in respect of any part year of contributing service comprised in that period:

Provided that where a pension is payable to a mental health officer who is entitled by virtue of regulation 8 of the principal regulations to reckon any year of contributing service as such an officer as if it were 2 years, so much of the pension to which this paragraph applies as is attributable to any additional year so reckonable shall be reduced solely in accordance with the said sub-paragraph (*a*) or sub-paragraph (*b*), as the case may be.

*Pensions not subject to reduction under regulation 51 of the principal regulations or corresponding provisions of an optants scheme*

**7.** Where a pension is not subject to reduction in accordance with regulation 51(3) of the principal regulations or the corresponding provision of any optants scheme, so much of that pension as is attributable to any period of participating employment shall be reduced in accordance with regulation 5 of these regulations but shall be increased by the sum of £1·70 for each year of contributing service and a proportionate amount in respect of any part year of contributing service comprised in that period.

*Pensions payable to optants*

**8.**—(1) Subject to the provisions of this regulation, a pension which falls to be calculated in accordance with the provisions of an optants scheme shall be reduced in the like manner as is provided in regulation 5 or regulation 7 of these regulations, as the case may be.

(2) Where an officer has elected to retain rights to superannuation benefits corresponding with those previously enjoyed by him and any pension payable to him would, apart from these regulations, be subject to the like reduction as is required by regulation 14 of the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations 1970(**a**), F9 of the Local Government Superannuation (Scotland) Regulations 1974(**b**), or the corresponding provision of the local Act scheme, so much of the pension as is attributable to any period of participating employment shall be reduced in accordance with whichever of the aforesaid provisions was applicable and shall

(**a**) S.I. 1970/1307 (1970 III, p. 4337). (**b**) S.I. 1974/812 (1974 II, p. 3093).

be further reduced in accordance with regulation 5 of these regulations, but shall be increased by the sum of £1·70 for each year of contributing service and by a proportionate amount of that sum in respect of any part year of contributing service comprised in that period.

(3) Where an officer has elected to retain rights to superannuation benefits corresponding with those previously enjoyed by him under the Superannuation Acts or other optants scheme not requiring the payment of contributions, so much of any pension payable to him as is attributable to any period of participating employment shall be reduced by a sum of £1·30 per annum for every unit, ascertained in accordance with section 36(2) and (3) of the Act of 1965, of graduated contributions paid, or treated by virtue of section 58 of that Act as having been paid, by him during such period of participating employment and, in calculating the number of units of a person's graduated contributions, account shall be taken only of such number of units as is attributable to graduated contributions paid by him at the rate of 4¼ per cent. of the amount up to £468 per annum by which his remuneration exceeds £468 per annum.

*Reduction of pension in respect of other reckonable employment*

**9.**—(1) Where, before 1st January 1974, a person became an officer after having been employed in other employment (in this regulation referred to as "his former employment") and any contributing service reckonable by him in his former employment included any period of participating employment or non-participating employment at the end of which a payment in lieu of contributions has been made, so much of a pension payable to him as is attributable to any such period shall, in lieu of any reduction for which this part of these regulations provides, be reduced—

(*a*) if a modification provision was applicable to him immediately before he ceased his former employment in the like manner as if he had continued that employment and retired from it on the day he ceased to be an officer; or

(*b*) if no modification provision was applicable to him at that time and the transfer payment in respect of his former employment had been adjusted to take account of a payment in lieu of contributions, by the amount of the graduated retirement benefit payable under the Act of 1965, the Northern Ireland Act or the Isle of Man Act, as the case may be, in respect of the payment in lieu of contributions.

(2) Where in respect of any period of non-participating employment which has become reckonable for the purpose of the principal regulations by a person who became an officer before 1st January 1974, equivalent pension benefits have been assured for the purposes of the Act of 1959, the Act of 1965, the Northern Ireland Act or the Isle of Man Act, as the case may be, there shall, for the purpose of these regulations, be deemed to have been made a payment in lieu of contributions of such amount as would otherwise have fallen to be paid in respect of such employment.

(3) Where an officer, other than an officer to whom paragraph (4) of this regulation applies, has made payments under regulation 31, 32, 33 or 33A of the principal regulations and such payments were reduced in accordance with any modification provision of the scheme to which he was subject in his former employment, the part of any pension to which he becomes entitled which is attributable to those payments shall be reduced as if it had been attributable to a period of his former employment.

(4) Where a person who became an officer after 31st December 1973 is entitled, under regulation 19(4) of the principal regulations, to reckon as contributing service the service which was reckonable in a superannuation scheme, then if that scheme was—

(*a*) a statutory scheme or any other scheme which is for the time being treated by the Secretary of State as a statutory scheme for the purpose of this paragraph and the transfer payment received by the Secretary of State in respect of him has been reduced by reference to an amount by which his pension under that scheme would have been reduced as a consequence of the provisions of section 36 of the Act of 1965, so much of any pension payable to him as is attributable to any such contributing service shall, in lieu of the reduction for which this part of these regulations provides, be reduced by that amount; or

(*b*) any other scheme, so much of any pension payable to him as is attributable to any such contributing service shall not be subject to any reduction for which this part of these regulations provides.

*Reduction of death gratuities*

**10.**—(1) Where an officer dies without having become entitled to a pension, and a death gratuity is payable under regulation 15 of the principal regulations or under an optants scheme, then if a payment in lieu of contributions is required to be made, or such a payment has previously been made in respect of him, the death gratuity shall be reduced by a sum amounting to half of the payment in lieu of contributions or half of the aggregate of such payments if more than one has been made.

(2) No payment in lieu of contributions shall be taken into account for the purpose of this regulation—

(*a*) if the payment was made on the termination of any period of employment which is not reckonable as service for the purposes of the principal regulations; or

(*b*) if the payment is one which has been reduced under regulation 13 of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960(**a**), or any corresponding regulation in Northern Ireland or the Isle of Man.

*Adjustments following a payment in lieu of contributions or assurance of equivalent pension benefits*

**11.**—(1) Where an officer leaves employment or dies in circumstances in which under the principal regulations or under any optants scheme there is payable to or in respect of him an amount by way of a return of contributions and—

(*a*) a payment in lieu of contributions has previously been made in respect of him in circumstances not involving a return of contributions; or

(*b*) the officer's non-participating employment came to an end by reason of the circumstances mentioned in regulation 4(1) of the National Insurance Regulations 1974 and he has been assured of equivalent pension benefits in respect of that employment,

(a) S.I. 1960/1103 (1960 II, p. 2244).

the amount payable to or in respect of him shall be reduced either by a sum equal to one-half of the value of the payment in lieu or by a sum equal to one-half of the payment in lieu which would have had to be made under section 59(7) of the Act of 1965, as modified by regulation 5(2) of the National Insurance Regulations 1974, had the person not been assured of equivalent pension benefits as the case may be, provided that such sum shall not exceed the amount of the refund.

(2) No payment in lieu of contributions shall be taken into account for the purpose of this regulation—

(*a*) on more than one occasion; or

(*b*) if the payment is one which has been reduced under regulation 13 of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960, or any corresponding regulation in Northern Ireland or the Isle of Man.

(3) Where a payment to any officer by way of a return of contributions is reduced under section 60(5) of the Act of 1965, or under paragraph (1) of this regulation or under any corresponding provisions contained in or made under any other enactment (including any such provisions in force in Northern Ireland or the Isle of Man), the amount by which the payment is reduced shall be treated for the purpose of any subsequent return of contributions to which the officer may become entitled under the principal regulations as having been returned to and retained by the officer.

## PART III

## NON-PARTICIPATION

*Treatment of certain employments as employment under a single employer*

**12.** All employments in which a person's service qualifies him for retirement benefits under the principal regulations shall be treated for the purposes of Part III of the Act of 1965 and of any regulations made thereunder as employments under a single employer different from the employer in any other employment.

*Liabilities of the employer*

**13.** In relation to any employment mentioned in regulation 12 of these regulations those things which are required or authorised to be done by or to the employer under—

(i) section 58 of the Act of 1965 (payments in lieu of contributions) as modified by regulation 4 of the National Insurance Regulations 1974;

(ii) the National Insurance (Non-participation-Certificates) Regulations 1959(**a**), as amended(**b**);

(iii) the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960(**c**), as amended(**d**);

(iv) the National Insurance Regulations 1974; and

(v) the National Insurance (Non-participation—Transitional Provisions) (No. 2) Regulations 1974(**e**),

shall be done by or to the Secretary of State.

(**a**) S.I. 1959/1860 (1959 II, p. 1867).
(**b**) S.I. 1965/40 (1965 I, p. 47).
(**c**) S.I. 1960/1103 (1960 II, p. 2244).
(**d**) S.I. 1963/1988 (1963 III, p. 4178).
(**e**) S.I. 1974/2058 (1974 III, p. 8025).

## PART IV

### MISCELLANEOUS

*Limitation of surrender, assignment etc. of pensions*

**14.**—(1) In respect of a period of non-participating employment for which the Secretary of State is responsible for preserving equivalent pension rights except such employment for which a payment in lieu of contributions has been made, no provision in the principal regulations or in any optants scheme—

(*a*) for the surrender or assignment of a pension; or

(*b*) for the reduction, termination or suspension of a pension if invoked for any cause other than one prescribed under section 57(1)(*c*) of the Act of 1965,

shall operate to reduce a pension payable in respect of any such period to a man who has attained age 65 or a woman who has attained age 60 below the rates specified in paragraph 3 of this regulation.

(2) Notwithstanding any provision in an optants scheme to the effect that a benefit may be awarded thereunder at the discretion of the authority administering the scheme, the rights enjoyed by an officer shall include the right, subject to paragraph (1) of this regulation, to receive at the age of 65 years in the case of a man, or 60 years in the case of a woman, benefits not less than the rates specified in paragraph 3 of this regulation.

(3) The rates referred to in paragraphs (1) and (2) of this regulation and regulation 15(2) of these regulations are—

(i) in respect of any year prior to 6th January 1964, the rate of £2·30 10/12 a year in the case of a man and £1·92 6/12 a year in the case of a woman; and

(ii) in respect of any year after 5th January 1964, the rate of £3·47 11/12 a year in the case of a man and £2·90 a year in the case of a woman,

and a proportionate part of such rates in respect of any part year.

*Rights of optants*

**15.**—(1) Notwithstanding any provision to the contrary in an optants scheme, the rights of an officer subject to such a scheme who on ceasing to be an officer has attained age 65 years in the case of a man or 60 years in the case of a woman and completed 5 years' service, shall include the right to receive benefits mentioned in paragraph (2) of this regulation.

(2) The benefits payable in accordance with paragraph (1) of this regulation are such benefits as would have been payable to an officer under the principal regulations and the relevant optants scheme in respect of the service reckonable by him immediately before he ceased to hold his employment if—

(*a*) he had then reached such age and completed such service as would have entitled him to a benefit thereunder; and

(*b*) the amount of the benefit so calculated had been reduced according to the age at which he ceased to hold his employment by the percentage shown on the relevant table set out in Schedule 2 to these regulations appropriate to the earliest age at which he could have satisfied the conditions of the foregoing sub-paragraph,

but an annual pension so payable in respect of any period of employment described in regulation 14(1) of these regulations shall not be less than the rates specified in regulation 14(3) of these regulations.

(3) In calculating for the purposes of paragraph (2) of this regulation or regulation 77(2) of the principal regulations the amount of the benefit which would have been payable to an officer in the circumstances mentioned therein, no account shall be taken of any reduction required to be made under regulation 51(3) of the principal regulations; but any benefit payable to an officer under paragraph (1) of this regulation or granted under the said regulation 77(2) shall be reduced in accordance with the said regulation 51(3) where the officer has attained, or when he attains, age 65 years in the case of a man or 60 years in the case of a woman.

*Revocation*

**16.**—(1) The National Insurance (National Health Service Superannuation (Scotland) Scheme—Modification and Non-participation) Regulations 1966(**a**), and the National Insurance (National Health Service Superannuation (Scotland) Scheme—Modification and Non-participation) Amendment Regulations 1966(**b**), are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

*Bruce Millan*
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.

13th October 1976.

(a) S.I. 1966/52 (1966 I, p. 105).

(b) S.I. 1966/1227 (1966 III, p. 3290).

*Regulation* 2(1) SCHEDULE 1

SUPERANNUATION SCHEMES NOT INCLUDED WITHIN THE EXPRESSION "OPTANTS SCHEME"

Any scheme comprised in the Federated Superannuation System for Universities.
The Edgar Allen Physical Treatment Centre Pension Scheme.
The Federated Superannuation Scheme for Nurses and Hospital Officers.
The German Hospital Pension Scheme.
The Glasgow Royal Samaritan Hospital Pension Scheme.
The Holloway Sanatorium Superannuation Scheme.
The Manchester University Service Staffs Superannuation Scheme.
The Old Manor, Salisbury, Pension and Life Assurance Scheme.
The Public Health Laboratory Service Group Pension Scheme.
The Radcliffe Infirmary Old and New Superannuation Schemes.
The Stoke Park Colony Scheme.
The Swansea General and Eye Hospital Pension Scheme.
The Warneford Hospital Pension Scheme.
The York County Hospital Pension Scheme.

## SCHEDULE 2

*Regulation* 15(2)

### REDUCTION OF BENEFITS

#### TABLE 1—PENSION

| Age of person on ceasing to be employed | Percentage reduction to be made under regulation 15(2) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 |
| 60 | 7 | 15 | 21 | 28 | 33 | 38 | 42 | 46 | 49 | 52 |
| 61 | — | 8 | 15 | 22 | 28 | 33 | 38 | 43 | 46 | 49 |
| 62 | — | — | 8 | 16 | 23 | 28 | 34 | 39 | 43 | 46 |
| 63 | — | — | — | 9 | 17 | 23 | 29 | 35 | 40 | 43 |
| 64 | — | — | — | — | 9 | 17 | 24 | 30 | 36 | 40 |
| 65 | — | — | — | — | — | 9 | 17 | 24 | 31 | 36 |
| 66 | — | — | — | — | — | — | 9 | 18 | 25 | 31 |
| 67 | — | — | — | — | — | — | — | 10 | 18 | 26 |
| 68 | — | — | — | — | — | — | — | — | 10 | 19 |
| 69 | — | — | — | — | — | — | — | — | — | 11 |

#### TABLE 2—LUMP SUM BENEFIT

| Age of person on ceasing to be employed | Percentage reduction to be made under regulation 15(2) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 |
| 60 | 4 | 9 | 13 | 16 | 20 | 24 | 27 | 31 | 34 | 36 |
| 61 | — | 5 | 9 | 13 | 17 | 21 | 24 | 28 | 32 | 34 |
| 62 | — | — | 5 | 9 | 14 | 18 | 21 | 25 | 29 | 32 |
| 63 | — | — | — | 5 | 10 | 14 | 18 | 22 | 26 | 30 |
| 64 | — | — | — | — | 5 | 10 | 15 | 19 | 23 | 27 |
| 65 | — | — | — | — | — | 5 | 11 | 15 | 20 | 24 |
| 66 | — | — | — | — | — | — | 6 | 11 | 16 | 21 |
| 67 | — | — | — | — | — | — | — | 6 | 11 | 17 |
| 68 | — | — | — | — | — | — | — | — | 6 | 12 |
| 69 | — | — | — | — | — | — | — | — | — | 6 |

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations consolidate, with minor amendments, the provisions relating to modification of benefits of the National Insurance (National Health Service Superannuation (Scotland) Scheme—Modification and Non-participation) Regulations 1966 as amended.

The Regulations provide for the modification of benefits under the National Health Service Superannuation Scheme in Scotland in connection with the payment of graduated benefit under the National Insurance Act 1965 and make provision for the consequential effects of the repeal of Part III (non-participating employments) of the Act of 1965.

Part I of the Regulations contains definitions (Regulation 2) and provides that the National Health Service (Superannuation) (Scotland) Regulations 1961 as amended and the superannuation rights of persons who have elected under the provisions of the National Health Service Superannuation Scheme to retain those rights, are modified by the regulations (Regulation 3).

Part II provides for the reduction of pensions payable under the Scheme where any service reckonable for the pension also qualifies the employee for graduated retirement benefit under the National Insurance Act 1965 (Regulation 4). Regulation 5 specifies the method of calculation which also consolidates any reduction required to be made in connection with the payment of flat-rate benefit under the Act. The rate of reduction is adjusted where a person is subject to any special flat-rate National Insurance modification (Regulation 6) or is entitled to receive a National Health Service Superannuation Scheme pension unmodified in respect of the flat-rate National Insurance retirement pension (Regulation 7). Regulation 8 applies the reduction to persons subject to optant schemes as defined in regulation 2. Where a person became an officer on or after 1st January 1974 and a transfer payment received in respect of previous service was calculated by reference to a pension reduced in respect of accrued graduated scheme modification, the pension payable as a result of the transfer payment will be similarly reduced (Regulation 9). Death gratuities (Regulation 10) and repayments of superannuation contributions (Regulation 11) are reduced by one-half of payments in lieu of graduated contributions which an employer was required to make under the National Insurance Act 1965 on termination of an earlier period of non-participating employment, and where a person has been assured of equivalent pension benefits in consequence of the repeal of Part III of the Act a return of contributions will be reduced by one-half of the payment in lieu that would have been made had such benefits not been assured.

Part III provides that all employments which qualify a person for retirement benefits under the National Health Service Superannuation Scheme will be treated as employments under a single employer (Regulation 12) and that the Secretary of State is to act instead of the National Health Service employing authority on all matters relating to the making of payments in lieu of graduated contributions or assurance of equivalent pension benefits in respect of periods of non-participating employments reckonable as service in the Scheme (Regulation 13).

Part IV of the Regulations—

(i) limits the effect of certain provisions for the reduction, termination or suspension of a pension, and limits the right to surrender or assign a pension in certain cases (Regulation 14);

(ii) enables certain officers who elected to retain their former pension rights on entering the National Health Service to receive a pension after 5 years' service at the age of 65 in the case of a man and 60 in the case of a woman (Regulation 15), for the purpose of ensuring that pension benefits under the National Health Service Superannuation Scheme are not less favourable than graduated benefits under the National Insurance Act 1965.

SI 1976/1742
ISBN 0-11-061742-8

