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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 30**

**NATIONAL HEALTH SERVICE**

**The National Health Service Superannuation  
and Pension Schemes (Miscellaneous  
Amendments) (Scotland) Regulations 2020**

*Made* - - - - *11th February 2020*  
*Laid before the Scottish*  
*Parliament* - - - - *14th February 2020*  
*Coming into force* - - *1st April 2020*

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

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

In accordance with section 22(2)(a) of the Public Service Pensions Act 2013, the Scottish Ministers consulted the representatives of such persons as appeared to them likely to be affected by these Regulations with a view to reaching agreement with them. In accordance with section 22(2)(b) of that Act, the Scottish Ministers laid before the Scottish Parliament a report concerning the changes to members' contribution rates under the NHS Pension Scheme (Scotland) 2015(3) made by these Regulations.

In accordance with section 10(1) of the Superannuation Act 1972 and section 3(5) of the Public Service Pensions Act 2013, these Regulations are made with the consent of the Treasury(4).

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- (1) [1972 c.11](#). Section 10 was amended by Part II of schedule 7 of the National Health Service (Scotland) Act [1972 \(c.58\)](#), schedule 5 of the National Health Service Reorganisation Act 1973, sections 4(2) and 8(5) and (6) of the Pensions (Miscellaneous Provisions) Act [1990 \(c.7\)](#) ("the 1990 Act"), paragraph 7 of schedule 8 of the Pension Schemes Act [1993 \(c.48\)](#), paragraph 10 of schedule 8 of the Public Service Pensions Act [2013 \(c.25\)](#) and [S.I. 2001/3649](#). Section 12 was amended by section 10 of the 1990 Act. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of article 2 and schedule 1 of [S.I. 1999/1750](#).
- (2) [2013 c.25](#).
- (3) The pension scheme established by [S.S.I. 2015/94](#) is to be known in terms of regulation 2(2) of that instrument as the NHS Pension Scheme (Scotland) 2015.
- (4) The function of the Minister under section 10(1) of the Superannuation Act 1972 was transferred to the Treasury by [S.I. 1981/1670](#).

## PART 1

### Introductory

#### Citation, commencement and effect

1.—(1) These Regulations may be cited as the National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2020.

(2) These Regulations come into force on 1 April 2020.

(3) Regulation 4 has effect from 1 April 2018.

(4) For the avoidance of doubt, the amendments made by regulation 14 have effect from 6 April 2016.

## PART 2

### Amendment of the National Health Service Superannuation Scheme (Scotland) Regulations 2011

#### General

2. The National Health Service Superannuation Scheme (Scotland) Regulations 2011(5) are amended in accordance with regulations 3 to 5.

#### Amendment of regulation D1

3. In regulation D1 (contributions by members)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (e)(6), insert—

“;

(f) for the scheme year 2020-21 is the percentage specified in column 2 of table 6 in respect of the corresponding pensionable pay band specified in column 1 of that table into which the member’s pensionable pay falls”,  
and

(ii) after Table 5(7), insert—

“Table 6

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable pay band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%

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(5) S.S.I. 2011/117; relevant amending instruments are S.S.I. 2011/364, S.S.I. 2012/69 and 163, S.S.I. 2013/109 and 168, S.S.I. 2014/43, S.S.I. 2014/154, S.S.I. 2015/96, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2017/434 and S.S.I. 2019/46.

(6) Sub-paragraph (e) was inserted by regulation 3 of S.S.I. 2019/46.

(7) Table 5 was inserted by regulation 3 of S.S.I. 2019/46.

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable pay band</i>	<i>Contribution percentage rate</i>
£28,892 - £56,266	9.5%
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%

- (b) in paragraph (2A)(8)—
- (i) for “2019-20”, substitute “2020-21”, and
  - (ii) for “table 5”, substitute “table 6”, and
- (c) in each of paragraphs (20), (21)(a) and (25)(b)(9), for “table 5” substitute “table 6”.

### **Amendment of regulation D3**

4. In regulation D3 (further contributions by employing authorities in respect of excessive pay increases), after paragraph (19A)(10) insert—

“(19B) An increase in a member’s pensionable pay pursuant to the “Framework agreement on the reform of Agenda for Change” adopted on 17 August 2018(11) is to be ignored for the purposes of this regulation.”.

### **Amendment of paragraph 14 of schedule 1**

5. In paragraph 14 (contributions to this section of the scheme) of schedule 1 (medical and dental practitioners), in sub-paragraph (2)—

- (a) at the end of head (f)(12), insert—
- “;
- (g) in respect of the 2020-2021 scheme year, table 7”, and
- (b) after table 6(13), insert—

**“Table 7: Scheme Year 2020-21**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%
£28,892 - £56,266	9.5%

(8) Paragraph (2A) was inserted by regulation 3(a) of [S.S.I. 2013/168](#) and substituted by regulation 3(b) of [S.S.I. 2017/434](#).

(9) Each of these paragraphs has been previously amended by [SSI 2015/93](#) and [2019/46](#) (inserting “table 5” which is now being replaced).

(10) Paragraph 19A was inserted by [S.S.I. 2017/434](#).

(11) The Framework agreement covers the years from 1 April 2018 to 31 March 2021 and sets out, in Annex A, the new pay structure for those years. The framework agreement can be found at [www.stac.scot.nhs.uk/agenda-for-change-pay-and-reform](http://www.stac.scot.nhs.uk/agenda-for-change-pay-and-reform).

(12) Head (f) was inserted by regulation 6 of 2019/46.

(13) Table 6 was inserted by regulation 5 of [S.S.I. 2019/46](#).

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<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%”

## PART 3

### Amendment of the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013

#### General

6. The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013<sup>(14)</sup> are amended in accordance with regulations 7 to 9.

#### Amendment of regulation 2.C.2

7. In regulation 2.C.2 (contribution rate for members other than non-GP providers), in paragraph (2)—

(a) at the end of sub-paragraph (e)<sup>(15)</sup>, insert—

“.

(f) for the scheme year 2020-21 is the percentage specified in column 2 of table 6 in respect of the corresponding pensionable pay band specified in column 1 of that table into which the member’s pensionable pay falls”, and

(b) after table 5<sup>(16)</sup>, insert—

“Table 6

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable pay band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%
£28,892 - £56,266	9.5%
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%”

<sup>(14)</sup> S.S.I. 2013/174, relevantly amended by S.S.I. 2015/96, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2017/434 and S.S.I. 2019/46.

<sup>(15)</sup> Sub-paragraph (e) was inserted by regulation 7 of S.S.I. 2019/46.

<sup>(16)</sup> Table 5 was inserted by regulation 7 of S.S.I. 2019/46.

### Amendment of regulation 2.C.3

8. In regulation 2.C.3 (determination of pensionable pay for the purposes of setting a contribution rate for members other than non-GP providers), in each of paragraphs (16), (17)(a) and (21)(b)(17), for “table 5” substitute “table 6”.

### Amendment of regulation 3.C.2

9. In regulation 3.C.2 (members’ contribution rate), in paragraph (13)(18)—

(a) at the end of sub-paragraph (f), insert—

“;

(g) in respect of the 2020-21 scheme year, table 7”, and

(b) after Table 6, insert—

**“Table 7: Scheme Year 2020-21**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%
£28,892 - £56,266	9.5%
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%”

## PART 4

### Amendment of the National Health Service Pension Scheme (Scotland) Regulations 2015

#### General

10. The National Health Service Pension Scheme (Scotland) Regulations 2015(19) are amended in accordance with regulations 11 and 12.

#### Amendment of regulation 30

11. In regulation 30 (members’ contributions: employees), in paragraph (3)—

(a) at the end of sub-paragraph (e)(20), insert—

“;

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(17) Each of these paragraphs has been previously amended by [SSI 2015/93](#) and [2019/46](#) (inserting “table 5” which is now being replaced).

(18) Paragraph (13) was substituted by [S.S.I. 2015/96](#) and was last amended by [S.S.I. 2019/46](#).

(19) [S.S.I. 2015/94](#), as amended by [S.S.I. 2016/97](#), [S.S.I. 2017/28](#), [S.S.I. 2017/433](#) and [S.S.I. 2019/46](#).

(20) Inserted by [SSI 2019/46](#), regulation 13.

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- (f) for the scheme year 2020/21 is the percentage specified in column 2 of Table 6 below in respect of the corresponding pensionable earnings band specified in column 1 into which M’s pensionable earnings fall”, and
- (b) after Table 5(21), insert—

“Table 6

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%
£28,892 - £56,266	9.5%
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%”

### Amendment of regulation 31

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

- (a) in paragraph (3), at the end of sub-paragraph (e)(22), insert—

“;

(f) for the scheme year 2020/21 is the percentage specified in column 2 of Table 6 in paragraph (9) in respect of the corresponding pensionable earnings band specified in column 1 into which M’s pensionable earnings fall;”, and

- (b) in paragraph (9), after Table 5(23) insert—

“Table 6

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £18,936	5.2%
£18,937 - £23,228	5.8%
£23,229 - £28,891	7.3%
£28,892 - £56,266	9.5%
£56,267 - £79,801	12.7%
£79,802 - £117,960	13.7%
£117,961 to any higher amount	14.7%”

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(21) Table 5 was inserted by regulation 13 of S.S.I. 2019/46.

(22) Sub-paragraph (e) was inserted by regulation 14 of S.S.I. 2019/46.

(23) Table 5 was inserted by regulation 14 of S.S.I. 2019/46.

## PART 5

### Amendment of the National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017

#### General

**13.** The National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017(**24**) are amended in accordance with regulation 14.

#### Amendment of regulation 1

**14.** In regulation 1 (citation, commencement and effect), in paragraph (2), in sub-paragraph (f), after “25,” insert “31,” and after “38” insert “, 40”.

St Andrew’s House,  
Edinburgh  
6th February 2020

*KATE FORBES*  
Authorised to sign by the Scottish Ministers

We consent

11th February 2020

*IAIN STEWART*  
*REBECCA HARRIS*  
Two of the Lords Commissioners of  
Her Majesty’s Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service Superannuation Scheme (Scotland) Regulations 2011 (“the 2011 Regulations”) and the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013 to insert updated employee contribution bands for the scheme year 2020-21. These Regulations also exempt certain pay increases from final pay control charges. This is in respect of the 2011 Regulations and is achieved by regulation 4.

These Regulations also amend the National Health Service Pension Scheme (Scotland) Regulations 2015 (“the 2015 Regulations”) and the National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017.

The amendments made to the 2015 Regulations include inserting new tables reflecting revised pensionable earnings bands for 2020/21. The amendments to the National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017 correct some minor drafting errors in those regulations.