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Our ref: NHS/01/23/00

22 February 2008

Dear Colleague

I enclose for your consideration and comment a copy of the draft regulations covering consequential changes to the NHS AVC and Injury Benefit Regulations in Scotland. The main purpose of the enclosed draft regulations will be to reflect the introduction of the changes to the NHS Pension Scheme in Scotland resulting from the agreement on pension reforms. An explanation of the changes being proposed in the attached draft regulations is also enclosed.

The pension reform amendments, issued for consultation on 28 January, introduce changes to the current 1995 Regulations and a set of separate regulations for those staff recruited from and including 1 April 2008.

The enclosed draft regulations titled The National Health Service Superannuation Scheme (Additional Voluntary Contributions and Injury Benefits) (Scotland) Amendment Regulations 2008 are to be made under the powers conferred by sections 10(1) and (2), and 12(1) and (2), of, and Schedule 3 to the Superannuation Act 1972. The Regulations will be subject to final agreement by Scottish Ministers and HM Treasury. Similar amendments are planned for introduction in England, Wales and Northern Ireland.

The amendments will come into effect from **1 April 2008** but as with the pension reform regulations will come into force in June. Section 12 of the 1972 Superannuation Act provides for changes to be introduced retrospectively.

Given that the changes are primarily consequential and to ensure that the regulations are finalised along side those covering the pension reform a short consultation period of 3 weeks is being provided. Comments should be sent to me at the above address or by email to [James.Preston@Scotland.gsi.gov.uk](mailto:James.Preston@Scotland.gsi.gov.uk) by **14th March 2008**.

Yours sincerely



Jim Preston

#### Addressees

Chief Executives NHS Boards  
HR Directors NHS Boards  
Scottish Pensions Review Group (SPensiR)  
SPPA Technical Working Group  
NHS Trade Unions and Professional Organisations  
Scottish General Practitioners Committee  
Institute of Health Service Management  
Scottish Practice Nurse Association  
Women's National Committee  
SGHD Directorate of Primary Care  
SGHD Health Workforce Directorate  
SGLD Finance  
Home Office, Police and Firemen's Pension Schemes  
Department of Finance and Personnel, Northern Ireland  
NHS BSA Pensions Division  
Department for Children, Schools and Family  
Cabinet Office  
Department for Communities and Local Government  
DWP  
GAD  
HM Treasury  
Savings, Pensions, Share Schemes HMRC