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STATUTORY INSTRUMENTS

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**2017 No. 275**

**The National Health Service Pension Scheme and Additional Voluntary Contributions (Amendment) Regulations 2017**

**PART 6**

**Amendment of the National Health Service Pension Scheme  
(Additional Voluntary Contributions) Regulations 2000**

**General**

**54.** The National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000<sup>(1)</sup> are amended in accordance with this Part.

**Amendment of regulation 2**

**55.** In the definition of “pensionable employment” in regulation 2 (interpretation)<sup>(2)</sup>, for “Provisions” substitute “Provisions)”.

**Amendment of regulation 3**

**56.** In sub-paragraph (a) of paragraph (3) of regulation 3 (making and acceptance of elections)<sup>(3)</sup>, omit “or”.

**Amendment of regulation 15**

**57.—**(1) Regulation 15 (payments by the Secretary of State)<sup>(4)</sup> is amended as follows.

(2) In paragraph (3)<sup>(5)</sup>—

(a) in sub-paragraph (b)(ii), after “the payment” insert “; or”;

(b) after sub-paragraph (b) of paragraph (3), insert—

“(c) in accordance with paragraph (3B)”.

(3) After paragraph (3A), insert—

“(3B) Where, prior to their death, the member has given notice to the Secretary of State in accordance with paragraph (3C) that the lump sum is to be paid to a person specified in the notice, and has not revoked that notice, the lump sum may be paid to that person unless—

(a) that person has died before the payment can be made; or

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(1) [S.I. 2000/619](#) amended [S.I. 2001/1428](#), [S.I. 2001/3649](#), [S.I. 2002/610](#), [S.I. 2005/3074](#), [S.I. 2006/600](#), [S.I. 2007/3280](#), [S.I. 2008/655](#), [S.I. 2009/2446](#) (with retrospective effect), [S.I. 2010/492](#), [S.I. 2011/2586](#), [S.I. 2013/413](#), [S.I. 2014/78](#), [S.I. 2015/96](#), [S.I. 2016/245](#).

(2) This definition was last amended by regulations 53, 54(1) and (2)(h) of [S.I. 2015/96](#).

(3) This paragraph was last amended by regulations 53, 55(1) and (3) of [S.I. 2015/96](#).

(4) This paragraph was last amended by regulations 53, 62(1) and (4) of [S.I. 2015/96](#).

(5) This paragraph was last amended by regulations 53, 62(1) and (3)(b) of [S.I. 2015/96](#).

- (b) payment to that person is not, in the opinion of the Secretary of State, reasonably practicable.
  - (3C) Notice to the Secretary of State for the purpose of paragraph (3B)—
    - (a) must be given only by a participator in the AVC scheme;
    - (b) must be given in writing; and
    - (c) may, at any time, be revoked in writing;
    - (d) must nominate the whole of the lump sum to a nominee and, in the case of a notice that specifies more than one person as nominee, must also specify the percentage of the lump sum to be paid to each such person,
    - (e) must specify one or more persons who may be—
      - (i) an individual;
      - (ii) body corporate;
      - (iii) an unincorporated body;
      - (iv) the member's personal representatives
- and a participator who revokes such a notice may give further notice for the purpose of that paragraph.”.