
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 117

**The National Health Service Superannuation
Scheme (Scotland) Regulations 2011**

PART Q

**RIGHT TO BUY ADDITIONAL SERVICE, UNREDUCED
LUMP SUM AND ADDITIONAL PENSION**

Exercise of options under regulations Q8, Q10 and Q11

Q12.—(1) A member exercising an option under regulation Q8 or Q10 must do so by giving notice in writing to the employing authority, giving such information as may be required.

(2) An employing authority exercising an option under regulation Q11 must do so by giving notice in writing to the Scottish Ministers, giving such information as may be required.

(3) An option under regulation Q8, Q10 or Q11 may not be exercised during a period when the member is absent from work.

(4) For the purposes of these Regulations—

- (a) a member is treated as exercising an option under regulation Q8 or Q10 on the date on which the employing authority receives the member's notice under paragraph (1); and
- (b) an employing authority is treated as exercising an option under regulation Q11 on the date on which the Scottish Ministers receives the authority's notice under paragraph (2).

(5) The Scottish Ministers—

- (a) must refuse to accept an option exercised under—
 - (i) regulation Q8 if not satisfied that that the member is in good health and there is no reason why the member's health should prevent the member from paying the contributions for the whole contribution period; and
 - (ii) regulation Q10 or Q11 if not satisfied that the member is in good health; and
- (b) may refuse to accept an option under regulation Q8, Q10 or Q11 in any other circumstances.

(6) If the Scottish Ministers refuse to accept an option described in paragraph (5), the Scottish Ministers must give notice in writing of that fact—

- (a) in the case of an option exercised under regulation Q8 or Q10, to the member; and
- (b) in the case of an option exercised under regulation Q11, to the employing authority and the member.

(7) These Regulations apply as if an option—

- (a) under regulation Q8, Q10 or Q11 had not been exercised if the Scottish Ministers refuse to accept the option;

- (b) under regulation Q10 had not been exercised if the payment is not received by the employing authority—
 - (i) before the end of the period of 1 month beginning with the day on which the Scottish Ministers notify the member of the acceptance of the option; or
 - (ii) if it is earlier, on or before the member's chosen birthday; and
- (c) under regulation Q11 had not been exercised if the payment is not received by the Scottish Ministers on or before the member's chosen birthday.