
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 174

**The National Health Service Superannuation
Scheme (2008 Section) (Scotland) Regulations 2013**

PART 3

BENEFITS FOR PRACTITIONERS, ETC.

CHAPTER 3.F

TRANSFERS

Transfers across

Transfers across from the 1995 Section

3.F.17.—(1) An active member who is entitled to have a cash equivalent value calculated in respect of the entirety of the member's rights under the 1995 Section pursuant to regulation M7 (member's right to transfer a preserved pension to the 2008 Section) of the 2011 Regulations, may apply to convert that cash equivalent value into rights under this Section of the scheme.

- (2) An application under paragraph (1)—
- (a) must be made in writing using an application form provided for the purpose by the Scottish Ministers;
 - (b) may only be made before the end of the period of three months beginning with the guarantee date established under regulation M7 of the 2011 Regulations;
 - (c) may only be made if the member has first been furnished with a statement of the pensionable service and increase in pensionable earnings that the member will be entitled to count under this Section of the scheme if the application is accepted by the Scottish Ministers;
 - (d) must meet such other conditions as the Scottish Ministers may require; and
 - (e) is irrevocable.
- (3) The statement mentioned in paragraph (2)(c) must—
- (a) inform the member of the amount of pensionable service and increase in pensionable earnings that will count under this Section of the scheme for the purposes of calculating benefits payable to or in respect of the member; and
 - (b) inform the member of the amount of pensionable service that will count under this Section of the scheme when determining whether or not the member has reached 45 years of pensionable service for the purposes of regulation 3.A.3 (meaning of "pensionable service").
- (4) The amount of the increase in pensionable earnings mentioned in paragraph (3) is calculated by—

- (a) treating the member as entitled to a period of officer service equal to the period of employment that qualified the member for the rights in the 1995 Section;
 - (b) calculating the reckonable pay that would have given rise to a cash equivalent in respect of officer service under regulation 2.F.6 (calculating amounts of transfer value payments); and
 - (c) increasing the member's pensionable earnings by an amount equal to the pensionable pay that the member would have received during that period of officer service if the member's pensionable pay had been equal to the reckonable pay mentioned in paragraph (b) throughout that period.
- (5) The amount of pensionable service mentioned in paragraph (3) is the equal of the period of employment that qualified the member for the rights in the 1995 Section.
- (6) If the Scottish Ministers accept an application under paragraph (1)—
- (a) the member is entitled to count the period of pensionable service mentioned in paragraphs (3)(a) and (b) for the purposes specified therein;
 - (b) those periods of pensionable service must be credited to the member on the day that the Scottish Ministers received the member's application;
 - (c) the member is entitled to count the increase in pensionable earnings calculated under paragraph (4) for the purposes of calculating benefits payable to or in respect of the member under this Section of the scheme; and
 - (d) that increase in pensionable earnings must be credited to the member in the financial year during which the day that the Scottish Ministers received the member's application falls.