
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 11

Transfers

CHAPTER 2

Transfers out

Transfer payments made to other schemes or pension arrangements

170.—(1) Subject to regulation 175 (request for transfer out after member repays to scheme manager a refund received under regulation 174), a transfer payment may only be made in respect of the accrued rights to benefits of a deferred member of this scheme.

(2) A transfer payment may only be made to—

- (a) a registered pension scheme that is not a connected scheme; or
- (b) a pension arrangement that is a qualifying recognised overseas pension scheme for the purposes of Part 4 of FA 2004 (see section 169(2)(1) of that Act).

(3) A transfer payment may not be made in respect of rights that are attributable (directly or indirectly) to a pension credit.

(4) A member may only require the scheme manager to use a transfer payment in a way specified in section 95(2)(2) of PSA 1993.

(5) A member may only require the scheme manager to make a club transfer value payment in the period of 12 months beginning with the day on which the member becomes eligible to be an active member of the club scheme to which the payment is to be made.

(6) If section 96(2)(3) of PSA 1993 applies, benefits attributable to the following may be excluded from the transfer payment—

- (a) the member's accrued rights to a guaranteed minimum pension; or
- (b) the member's accrued rights attributable to service in contracted-out employment on or after 6th April 1997.

(7) In this regulation, “contracted-out employment” has the meaning given in section 8(1) of PSA 1993.

Application for a statement of entitlement

171.—(1) This regulation applies in relation to a deferred member of this scheme (P) who requires a transfer payment to be made in respect of P's accrued rights to benefits under this scheme.

(1) Section 169(2) was amended by the Finance Act 2013 (c.29), section 53(2) and (3).

(2) Section 95(2) was amended by S.I. 2001/3649.

(3) Section 96(2) was amended by PA 1995, paragraph 63 of Schedule 5; WRPA 1999, paragraph 3 of Schedule 2 and Part 1 of Schedule 13; the Pensions Act 2007 (c.22), paragraphs 1 and 29 of Schedule 4 and Part 6 of Schedule 7; and S.I. 2011/1730.

(2) Before requesting the transfer payment, P must apply for a statement of entitlement by written notice to the scheme manager.

(3) P may withdraw the application by written notice to the scheme manager at any time before the statement is provided.

(4) P may make a second application by written notice to the scheme manager in the period of 12 months beginning with the date of the first application.

Statement of entitlement

172.—(1) The scheme manager must specify in the statement of entitlement the date by reference to which the cash equivalent or club transfer value is calculated (“guarantee date”).

(2) Unless paragraph (4) applies, the guarantee date must fall within both the following periods—

(a) the 3 months beginning with the date of the member’s application for the statement of entitlement (“the 3 month period”); and

(b) the 10 days ending with the date on which the member is provided with that statement (“the 10 day period”).

(3) In counting the 10 day period, Saturdays, Sundays, Christmas Day, New Year’s Day and Good Friday are excluded.

(4) The scheme manager may specify in the statement of entitlement a guarantee date that falls within the 6 months beginning with the date of the member’s application for the statement of entitlement if, for reasons beyond the control of the scheme manager, the information needed to calculate the amount of the cash equivalent or club transfer value cannot be obtained before the end of the 3 month period.

Request for transfer payment to be made

173.—(1) A deferred member of this scheme who is provided with a statement of entitlement may request a transfer payment to be made in respect of the member’s accrued rights to benefits under this scheme.

(2) The request for the transfer payment must—

(a) be made by written notice to the scheme manager;

(b) specify the pension scheme or other pension arrangement to which the transfer payment is to be made; and

(c) meet any other conditions the scheme manager requires.

(3) The member by written notice to the scheme manager may withdraw the request at any time before the transfer payment is made.

(4) The member may not withdraw the request if an agreement for the use of the whole or part of the transfer payment has already been entered into with a third party.

Calculating the amount of a transfer value or club transfer value

174.—(1) If a transfer value is paid later than 6 months after the guarantee date, the amount of the guaranteed cash equivalent must be increased in accordance with regulations made under section 97 of PSA 1993.

(2) If a club transfer value is paid later than 6 months after the guarantee date, the amount of the club transfer value as specified in the statement of entitlement must be increased if necessary so that it is equal to the amount it would have been if the guarantee date had been the date on which the payment is made.

(3) If the transfer value or club transfer value is less than the minimum transfer value, the amount of the transfer value or club transfer value must be increased so that it is equal to the amount of the minimum transfer value.

(4) In this regulation, “minimum transfer value” means the total of—

- (a) the sum of all member contributions and payments for added pension made by the member; and
- (b) the sum of all transfer payments received by this scheme in relation to the member.

Request for transfer out after member repays to scheme manager a refund received under regulation 166

175.—(1) This regulation applies to a member who—

- (a) receives a refund under regulation 166 (refund of all member contributions and payments for added pension made by the member); and
- (b) enters new pension arrangements with a new employer.

(2) The member may request a transfer payment to be made under this Chapter to the new pension arrangements in respect of the member’s accrued rights to benefits under this scheme if the member repays to the scheme manager the amount refunded under regulation 166 and any interest payable under paragraph (3)—

- (a) within 12 months of entering a new club scheme (or any longer period the scheme manager determines); or
- (b) within 6 months of entering any other pension arrangements (or any longer period the scheme manager determines).

(3) Interest is payable on the amount refunded under regulation 166 if the member repays that amount more than a year after the member receives the refund.

(4) For the purpose of paragraph (3), interest is calculated at the rate of 5% each year, compounded with yearly rests.

Effect of transfers out

176. If a transfer payment is made under this Chapter in respect of a member’s accrued rights to benefits under this scheme, those rights are extinguished.