
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 283

The Teachers' Superannuation and Pension Scheme (Additional Voluntary Contributions) (Scotland) Regulations 2017

Payment by the Scottish Ministers

16.—(1) Where pursuant to an election under regulation 5(2) 12(6) or 13(3) the Scottish Ministers purchase an annuity policy from an authorised provider specified by the elector other than the insurance company referred to in regulation 9, the Scottish Ministers shall not, except in the circumstances described in paragraph (2), be liable for payment of any pension under that annuity policy.

(2) Where pursuant to an election under regulation 5(2), 12(6) or 13(3), the Scottish Ministers purchase an annuity policy from the insurance company referred to in regulation 9, the Scottish Ministers shall be liable to make to the person entitled to it any payment of pension under the annuity policy which has not been made by the company from which the annuity policy was purchased.

(3) Subject to paragraphs (4) and (5), lump sums payable as mentioned in regulation 12(2) shall be paid by the Scottish Ministers to the participator.

(4) The Scottish Ministers may, before paying any pension commencement lump sum as mentioned in regulation 12(2) or 14 (3)(b), require the person to whom the payment is to be made to provide a declaration as specified in paragraph (5) by a date determined by them.

(5) The declaration is a declaration, in a form specified by the Scottish Ministers, signed by that person, to the effect that paragraph 3A of Schedule 29 to the 2004 Act does not apply.

(6) Where no such declaration is received by the Scottish Ministers by the date referred to in paragraph (4) the Scottish Ministers may treat the election under regulation 12 or 14 for a pension commencement lump sum as of no effect, and may apply the amount of the lump sum to the purchase of a pension policy from the insurance company referred to in regulation 9 to provide such benefits as appear to them to be suitable.

(7) Lump sums payable—

- (a) as mentioned in regulation 12(9); or
- (b) under regulation 13(1) or (2)(b),

shall be paid by the Scottish Ministers to the executors of the person to whom the payment is due.

(8) The amount of any tax chargeable under the 2004 Act on payments made under these Regulations shall be deducted by the Scottish Ministers before payment.