
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 228

**The Local Government Pension Scheme
(Administration) (Scotland) Regulations 2008**

PART 9

TRANSFERS

Contracting-out requirements affecting transfers out

75.—(1) Subject to paragraph (2), there must be deducted from the transfer payment to be made in respect of any person—

- (a) the amount of any contributions equivalent premium payable pursuant to section 55 of the 1993 Act; or
- (b) an amount sufficient to meet the liability in respect of the person's contracted out rights.

(2) The amount mentioned in paragraph (1) may not be deducted where the transfer payment is made to a registered pension scheme which is contracted out.

(3) Where the amount mentioned in paragraph (1)(a) is deducted, the appropriate administering authority must use that amount to pay the premium.

(4) Where the amount mentioned in paragraph (1)(b) is deducted, the appropriate administering authority may use the amount in preserving the liability mentioned in that paragraph in the appropriate fund, unless the member wishes a transfer payment in respect of it to be paid to the trustees or managers of a non contracted out registered pension scheme.

(5) Contracted out rights, in relation to a member, are—

- (a) the member and the member's surviving spouse's or civil partner's or nominated cohabiting partner's rights to guaranteed minimum pensions; and
- (b) the member's section 9(2B) rights (as defined in regulation 1(2) of the Occupational Pension Schemes (Contracting out) Regulations 1996(1)).