

SCOTTISH STATUTORY INSTRUMENTS

**2011 No. 117**

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

**PART T**

**GENERAL RULES ABOUT BENEFITS**

**Loss of rights to benefits**

**T7.**—(1) Subject to paragraph (3), the Scottish Ministers may direct that all or part of any benefit payable to, or in respect of, a member be forfeited if the member is convicted of any of the following offences, committed before the benefit becomes payable:—

- (a) an offence in connection with employment to which this Section of the scheme applies which is certified by the Scottish Ministers either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service;
- (b) an offence of treason;
- (c) one or more offences under the Official Secrets Acts 1911 to 1989<sup>M1</sup>[<sup>F1</sup>, or under section 18 of, or listed in section 33(3)(a) of, the National Security Act 2023,] for which the member has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

(2) Subject to paragraph (3), the Scottish Ministers may also direct that all or part of any rights to benefits or other amounts payable in respect of a member be forfeited where such benefits or amounts are payable to a person who is—

- (a) the member's widow, widower, surviving [<sup>F2</sup>scheme partner] or surviving civil partner; or
- (b) a dependent of the member; or
- (c) a person not coming within sub-paragraph (a) or (b) who is specified in a notice or nomination given under regulation F5; or
- (d) a person to whom such benefits or amounts are payable under the member's will or on their intestacy,

and that person is convicted of the offence of murder or culpable homicide of that member or of any other offence of which the unlawful killing of that member is an element.

(3) A guaranteed minimum pension may be forfeited only if paragraph (1)(b) or (c) [<sup>F3</sup>or paragraph (2)] applies.

**Textual Amendments**

- F1** Words in [reg. T7\(1\)\(c\)](#) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Subordinate Legislation\) Regulations 2023 \(S.I. 2023/1267\)](#), reg. 1(2), [Sch. para. 30](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Superannuation Scheme (Scotland) Regulations 2011, Section T7. (See end of Document for details)

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- F2** Words in reg. T7(2)(a) substituted (with effect in accordance with reg. 1(4) of the amending S.S.I.) by The National Health Service Superannuation and Pension Schemes (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/102), regs. 1(2), **26**
- F3** Words in reg. T7(3) inserted (with effect in accordance with reg. 1(2)(f) of the amending S.S.I.) by The National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017 (S.S.I. 2017/27), regs. 1(1), **13** (with reg. 53)

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**Marginal Citations**

- M1** 1911 c.28; 1920 c.75; 1939 c.121; 1989 c.6.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Superannuation Scheme (Scotland) Regulations 2011, Section T7.