
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.C

CONTRIBUTIONS

Additional contributions to purchase additional pensions

Exercise of options under regulations 3.C.6, 3.C.8 and 3.C.9

3.C.10.—(1) A member exercising an option under regulation 3.C.6 (option to pay additional periodical contributions) or 3.C.8 (option to pay lump sum contribution) must—

- (a) do so by giving notice in writing to the employing authority, giving such information as may be required; and
- (b) at the same time, provide the Scottish Ministers with a copy of that notice.

(2) An employing authority exercising an option under regulation 3.C.9 (payment of additional lump sum contributions by employing authority) must do so by giving notice in writing to the Scottish Ministers, giving such information as may be required.

(3) An option under regulation 3.C.6, 3.C.8 or 3.C.9 may not be exercised during a period whilst the member is absent from work for any reason.

(4) For the purposes of this Part—

- (a) a member is to be treated as exercising an option under regulation 3.C.6 or 3.C.8 on the date on which the employing authority receives the member's notice under paragraph (1); and
- (b) an employing authority is to be treated as exercising an option under regulation 3.C.9 on the date on which the Scottish Ministers receive the authority's notice under paragraph (2).

(5) The Scottish Ministers may refuse to accept an option exercised under regulation 3.C.6, 3.C.8 or 3.C.9 and must do so if not satisfied that—

- (a) the member is in good health; and
- (b) in the case of an option exercised under regulation 3.C.6, there is no reason why the member's health should prevent the member from paying the contributions for the whole contribution period.

(6) If the Scottish Ministers refuse to accept such an option—

- (a) they must give notice in writing of that fact—
 - (i) in the case of an option exercised under regulation 3.C.6 or 3.C.8, to the member; and

- (ii) in the case of an option exercised under regulation 3.C.9, to the employing authority and the member; and
 - (b) this Part applies as if the option had not been exercised.
- (7) This Part also applies as if an option under regulation 3.C.8 or 3.C.9 had not been exercised if—
 - (a) in the case of an option under regulation 3.C.8, the payment is not received by the employing authority—
 - (i) before the end of the period of one month beginning with the day on which the Scottish Ministers notify the member of the acceptance of the option; or
 - (ii) if it is earlier, on or before the member’s 65th birthday; and
 - (b) in the case of an option under regulation 3.C.9, the payment is not received by the Scottish Ministers—
 - (i) before the end of the period of one month beginning with the day on which the employing authority gave the Scottish Ministers notice under paragraph (2); or
 - (ii) if it is earlier, on or before the member’s 65th birthday.