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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 124**

**The National Health Service Pension Scheme (Scotland)  
(Additional Voluntary Contributions) Regulations 2018**

**Outward transfers**

11.—(1) Subject to—

- (a) paragraphs (2) to (7); and
- (b) the cancellation, pursuant to regulation 6(1) or (2), of any election made under regulation 4(1),

the Scottish Ministers must, as soon as reasonably practicable after having received a notice in writing from an eligible person, requesting a transfer of the value of that person's investments made in relation to that person under regulation 8(1), 9(2) or 10(4), pay a transfer value representing the value of all such investments at that person's option to any other registered pension scheme in which the person may be participating.

(2) If the Scottish Ministers are required under paragraph (1) to make a transfer payment in circumstances where such a payment in respect of an eligible person is also provided and used in accordance with regulation M1 of the 2011 Regulations (member's right to transfer or buy-out), the Scottish Ministers must do so in accordance with the time limit specified in regulation M5 of those Regulations as if the reference in that regulation to an application were a reference to a notice referred to in paragraph (1).

(3) If the Scottish Ministers are required under paragraph (1) to make a transfer payment in circumstances where such a payment in respect of an eligible person is also provided and used in accordance with regulation 2.F.1 or 3.F.1 of the 2013 Regulations (rights to transfer value payments), the Scottish Ministers must do so in accordance with the time limit specified in, as the case may be, regulation 2.F. 4 or 3.F.4 of those Regulations as if the reference in regulation 2.F.4 or (as the case may be) 3.F.4 to an application were a reference to a notice referred to in paragraph (1).

(4) If the Scottish Ministers are required under paragraph (1) to make a transfer payment in circumstances where such a payment in respect of an eligible person is also provided and used in accordance with regulation 133 of the 2015 Regulations (rights to transfer value payment), the Scottish Ministers must do so in accordance with the time limit specified in regulation 136 of those Regulations as if the reference in that regulation to an application were a reference to a notice referred to in paragraph (1).

(5) In any case where the Scottish Ministers have directed under regulation 21 that all or part of any of an eligible person's rights to benefits under these Regulations are to be forfeited, the cash equivalent payable in respect of that person is to be reduced by the capitalised value of the rights which are to be forfeited.

(6) If disciplinary or court proceedings are commenced against the eligible person within 12 months after leaving pensionable employment and it appears to the Scottish Ministers that the proceedings may lead to all or part of that person's rights to benefits being forfeited in accordance with regulation 21, the Scottish Ministers may defer doing what is required of them under this regulation to carry out the requirements of that eligible person until 3 months after the conclusion of

those proceedings (including any proceedings on appeal) where that date is later than the date which would otherwise apply by virtue of paragraph (2) to (4) above.

(7) Where the Scottish Ministers have done what is required of them to carry out the requirements of the eligible person under this regulation, the Scottish Ministers are discharged from any obligation under regulation 15 to or in respect of that person.

(8) In this regulation “eligible person” means a person—

(a) who is a contributor; and

(b) either—

(i) has not attained the age of 75 years on or before the date the notice referred to in paragraph (1) above is received by the Scottish Ministers; or

(ii) to whom regulation M6 of the 2011 Regulations, regulation 2.F.14 or 3.F.14 of the 2013 Regulations or regulation 146 of the 2015 Regulations applies.