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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 174**

**The National Health Service Superannuation  
Scheme (2008 Section) (Scotland) Regulations 2013**

**PART 2**

**BENEFITS FOR OFFICERS**

**CHAPTER 2.F**

**TRANSFERS**

*Transfers across*

**Transfers across from the 1995 Section**

**2.F.17.**—(1) An active member who is entitled to have a cash equivalent value calculated in respect of the entirety of the member's rights under the 1995 Section pursuant to regulation M7 (member's right to transfer a preserved pension to the 2008 Section) of the 2011 Regulations, may apply to convert that cash equivalent value into rights under this Section of the scheme.

- (2) An application under paragraph (1)—
- (a) must be made in writing using an application form provided for the purpose by the Scottish Ministers;
  - (b) may only be made before the end of the period of three months beginning with the guarantee date established under regulation M7 of the 2011 Regulations;
  - (c) may only be made if the member has first been furnished with a statement of the pensionable service that the member will be entitled to count under this Section of the scheme if the application is accepted by the Scottish Ministers;
  - (d) must meet such other conditions as the Scottish Ministers may require; and
  - (e) is irrevocable.
- (3) The statement mentioned in paragraph (2)(c) must—
- (a) inform the member of the amount of pensionable service that will count under this Section of the scheme for the purposes of calculating benefits payable to or in respect of the member;
  - (b) inform the member of the amount of pensionable service that will count under this Section of the scheme when determining whether or not the member has reached 45 years of pensionable service for the purposes of regulation 2.A.3 (meaning of "pensionable service"); and
  - (c) be calculated in accordance with any guidance, tables and other relevant factors provided by the scheme actuary for that purpose.
- (4) If the Scottish Ministers accept an application under paragraph (1)—

- (a) the member is entitled to count the period of pensionable service mentioned in paragraphs (3)(a) and (b) for the purposes of calculating benefits payable to or in respect of the member under this Section of the scheme; and
- (b) that period of pensionable service must be credited to the member on the day that the Scottish Ministers received the member's application.