
STATUTORY INSTRUMENTS

2017 No. 275

The National Health Service Pension Scheme and Additional Voluntary Contributions (Amendment) Regulations 2017

PART 4

Amendment of the National Health Service Pension Scheme Regulations 2015

Amendment of Schedule 9

- 46.**—(1) Schedule 9 (pensions accounts) is amended as follows.
- (2) In paragraph 3 (meaning of “leaver index adjustment”)—
- (a) in each of sub-paragraphs (1) and (3), for “The” substitute “Subject to sub-paragraph 2A, the”;
 - (b) After sub-paragraph (2), insert—

“(2A) If the amount of the leaver index adjustment under sub-paragraphs (1) or (2) is an amount that is less than zero, the amount of the leaver index adjustment for the purposes of those paragraphs is zero.”.
- (3) After paragraph 15 of Part 2 of Schedule 9 (actuarial reduction buy-out), insert—

“PART 2A

Active member’s account for unqualified members

Closure of an active member’s account

15A. When an active member leaves all pensionable service but does not qualify for benefits under regulation 72 (in this Part “an unqualified member”) the active member’s account for that unqualified member must be closed.

Active member’s account for unqualified member re-established after break not exceeding 5 years

- 15B.**—(1) This paragraph applies if—
- (a) an unqualified member re-enters pensionable service under this scheme after a break in service not exceeding 5 years; and
 - (b) the rights of that member in respect of the service before the break have not been extinguished pursuant to regulation 42 (effect of refund) or regulation 140 (effect of transfer-out).
- (2) When the unqualified member re-enters pensionable service under this scheme the active member’s account must be re-established.

- (3) The active member's account—
 - (a) must specify the amount of accrued earned pension as at the beginning of the break in service; and
 - (b) must be adjusted as if the member had continued as an active member during the break in service but had received no pensionable earnings.

Active member's account for unqualified member remains closed after break exceeding 5 years

15C.—(1) This paragraph applies if an unqualified member re-enters pensionable service under this scheme after a break in service exceeding five years.

(2) When the unqualified member re-enters pensionable service under the scheme (“the further service”)—

- (a) the active member's account in respect of the service before the break remains closed; and
- (b) a new active member's account must be established in respect of the further service.”.