
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 224

**The National Health Service Pension
Scheme (Scotland) Regulations 2008**

PART 2

BENEFITS FOR OFFICERS

CHAPTER 2.B

MEMBERSHIP

Restrictions on eligibility: general

2.B.2.—(1) A person who is entitled to the immediate payment of a pension under the scheme under a regulation that requires the person not to be in NHS employment may only be an active member in accordance with—

- (a) regulation 2.D.5 (partial retirement (members aged at least 55));
- (b) regulation 2.D.13 (exceptions to requirement that NHS employment must have ceased); or
- (c) Chapter 2.G (re-employment and rejoining the scheme).

(2) A person is not eligible to be an active member of the scheme if the person—

- (a) became a pensioner member of the NHS superannuation scheme for Scotland 1995 before 1st April 2008; or
- (b) became a pensioner member or a deferred member of that scheme on or after that date.

(3) A person is not eligible to be an active member of the scheme in respect of service in an employment if the person is an active member of a superannuation scheme established under section 1 or 9 of the Superannuation Act 1972(1) in respect of service in that employment.

(4) A person who holds an honorary appointment and does not at the same time hold any other employment which entitles him or her to be a member of the scheme is not eligible to be an active member of the scheme.

(5) A person is not eligible to be an active member of the scheme if the person—

- (a) becomes entitled to an upper tier ill health pension under regulation 2.D.8 (early retirement on ill health (active members); and
- (b) opts to exchange that pension for a lump sum in accordance with regulation 2.D.15 (option for members in serious ill health to exchange whole pension for lump sum).