

SCHEDULE 1

Eligibility of pensioners

Eligibility of 2008 Section pensioners to join new scheme

2.—(1) Subject to paragraph (2), a 2008 Section pensioner member is eligible to be a member of the new scheme if that member would, apart from the operation of regulation 19(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.

(2) A person of the description in column 2 of the table is eligible to be a member of the new scheme in the circumstances or on the date specified in column 3 of the table.

Table

<i>Column 1</i> <i>Group</i>	<i>Column 2</i> <i>Description of person</i>	<i>Column 3</i> <i>Circumstances or date of eligibility</i>
1	a 2008 Section pensioner member— (a) who is also an active member of the 2008 Section on or after 1st April 2015; or (b) other than an Upper Tier ill-health pensioner who returns to NHS employment on or after that date.	eligible to be an active member of the new scheme on return from a break in service where regulation 2.B.3(1B) or 3.B.3(1B) of the 2013 Regulations applies.
2	a 2008 Section pensioner member— (a) who is also an active member of the 2008 Section on or after 1st April 2015; or (b) other than an Upper Tier ill-health pensioner who returns to NHS employment on or after that date, and to whom regulation 2.B.3(1D) or 3.B.3(1D) of the 2013 Regulations applies.	eligible to be an active member of the new scheme on the earliest of— (a) returning from a break in service where regulation 2.B.3(1B) or 3.B.3(1B) of the 2013 Regulations applies; (b) reaching the member’s eligibility cessation date determined in accordance with regulation 2.B.3(1F) or 3.B.3(1F) of the 2013 Regulations; (c) returning from a break in service after reaching the member’s eligibility cessation date determined in accordance with regulation 2.B.3(1F) or 3.B.3(1F) of the 2013 Regulations.
3	a 2008 Section pensioner member— (a) who is also an active member of the 2008 Section on 31st March 2015; or (b) other than an upper tier ill-health pensioner who returns to NHS employment on or after that date,	eligible to be an active member of the new scheme on the first day on or after 1st April 2015 that the member is in an employment that would, apart from the operation of regulation 19(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i> <i>Group</i>	<i>Column 2</i> <i>Description of person</i>	<i>Column 3</i> <i>Circumstances or date of eligibility</i>
	and ceased to be eligible to be an active member of the 2008 Section in any employment on or after 1st April 2015.	
4	an Upper Tier ill-health pensioner— (a) who returns to NHS employment and the first anniversary of that return is on or after 1st April 2015; (b) to whom regulation 2.G.5(5)(b) or 3.G.4(5)(b) of the 2013 Regulations applies; and (c) if on the first anniversary of the return to NHS employment that person is not eligible to re-join the 2008 Section pursuant to regulations 2.B.1 and 2.B.2 or 3.B.1 and 3.B.2 of the 2013 Regulations.	eligible to be an active member of the new scheme on the first day on or after the first anniversary of return to NHS employment that the member is in an employment that would, apart from the operation of regulation 19(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.
5	a 2008 Section member— (a) who is not eligible to be an active member of that Section in NHS employment on or after 1st April 2015; and (b) who becomes a pensioner member of that Section on or after that date.	eligible to be an active member of the new scheme on or after 1st April 2015 if that member would, apart from the operation of regulation 19(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.

- (3) Paragraphs (1) and (2) apply notwithstanding a person also—
- (a) being a 1995 Section pensioner; or
 - (b) becoming a 1995 Section pensioner after becoming eligible to be an active member of the new scheme.