

SCHEDULE B5

Regulation B9.

MISCELLANEOUS EXCEPTIONS TO ELIGIBILITY UNDER REGULATION B1

1. A person is not eligible to be a member of the Scheme if he is—
 - (a) a chaplain to whom the Church of England Pensions Regulations 1988(1) apply;
 - (b) an employee in respect of whom contributions are made to the Merchant Navy Officers Pension Fund;
 - (c) a person who is entitled as mentioned in section 28 of the Kingston upon Hull Act 1984(2) (superannuation of telephone employees).
2. A person is not eligible to be a member of the Scheme by virtue of being an employee of a magistrates' courts committee if he gave notice under the proviso to section 20(1) of the Act of 1937 electing that that Act should not apply to his clerkship.
3. A person is not eligible to be a member of the Scheme by virtue of being an employee of a probation committee if he gave notice in accordance with Article 1 of the Probation Officers (Superannuation) Order 1948(3).
4. A person appointed under section 9(2) of the Museum of London Act 1965(4) to act as secretary or treasurer of the Board of Governors of the Museum of London is not eligible to be a member of the Scheme by virtue of the Board being specified in Part II of Schedule B1.
5. A person who is (or is deemed to be) a variable-time employee of a body mentioned in paragraph 3, 4 or 5 of Part II of Schedule B1 is not eligible to be a member of the Scheme in respect of that employment.
6. A person is not eligible to be a member of the Scheme in respect of his part-time employment as a member of a fire brigade maintained in pursuance of the Fire Services Act 1947(5) on terms under which he is or may be required to engage in fire fighting.
7. A person who is an employee of a body mentioned in paragraph 6 of Part II of Schedule B1 is not eligible to be a member of the Scheme by virtue of that paragraph unless—
 - (a) immediately before the start of his employment with the company there mentioned he was employed by a body specified in part I of that Schedule; and
 - (b) he is not an admission agreement employee.

(1) [S.I. 1988/2256](#); relevant amending instrument is [S.I. 1992/1748](#).

(2) 1984 c. xxvi.

(3) [S.I. 1948/1220](#).

(4) 1965 c. 17.

(5) 1947 c. 41.