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STATUTORY INSTRUMENTS

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**1995 No. 300**

**The National Health Service Pension Scheme Regulations 1995**

**PART P**

*Members absent from work*

**Absence because of illness or injury or maternity leave**

**P1.**—(1) This regulation applies to members who are absent from work because of illness or injury or who are on maternity leave.

(2) A period of absence to which this regulation applies will count as pensionable service for so long as the member contributes to the scheme.

(3) If the earnings used to calculate a member's pensionable pay are reduced during a period of absence to which this regulation applies—

- (a) for the purpose of calculating the member's contributions to the scheme (other than by way of payment for additional service or unreduced retirement lump sum), pensionable pay for the period of absence will be calculated on the basis of the member's reduced earnings; and
- (b) for all other purposes, the member's pensionable pay for the period of absence will be calculated as if no reduction were being made.

(4) If the earnings used to calculate a member's pensionable pay cease during a period of absence to which this regulation applies—

- (a) subject to sub-paragraph (b), the member will be treated as having left pensionable employment except that no refund of contributions or other benefit will be payable until the member actually leaves pensionable employment;
- (b) in the case of a woman on maternity leave who paid contributions on the basis of reduced earnings in accordance with paragraph 3(a), contributions shall continue to be payable at that rate.

(5) If a member fails to pay any contributions which are required to be paid to the scheme in respect of a period of absence to which this regulation applies, the member will be treated as having left pensionable employment except that no refund of contributions or other benefit shall be payable unless the member actually leaves pensionable employment.

(6) If a member to whom this regulation applies leaves pensionable employment or, by virtue of paragraph (4)(a) or (5), is treated as having left pensionable employment, without becoming entitled to a preserved pension, then if the member later returns to pensionable employment regulation L4(4) (early leavers returning to pensionable employment) will apply as if the reference to 12 months was a reference to 3 years.

(7) The benefits payable on the death of a member whose earnings ceased during a period of absence to which this regulation applies will be calculated as if the member had died in pensionable employment on the day before his earnings ceased.