
STATUTORY INSTRUMENTS

2008 No. 653

The National Health Service Pension Scheme Regulations 2008

PART 2

BENEFITS FOR OFFICERS

CHAPTER 2.B

MEMBERSHIP

2.B.2 Restrictions on eligibility: general

(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 (parital retirement (members aged at least 55)),
- (b) regulation 2.G.4 (effect of re-employment on tier 2 ill-health pensions),
- (c) regulation 2.D.13 (exceptions to requirement that NHS employment must have ceased), or
- (d) Chapter 2.G.

(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 Pension Scheme 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 in respect of service in that employment.

(4) A person who is employed by a GDS or PDS contractor (other than a dentist performer) is not eligible to be an active member of the Scheme in respect of service in that employment.

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

(6) A person is not eligible to be an active member of the Scheme in any further employment if the person—

- (a) becomes entitled to a tier 2 pension under regulation 2.D.8, and
- (b) opts to exchange that pension for a lump sum in accordance with regulation 2.D.15.