
STATUTORY INSTRUMENTS

2008 No. 653

The National Health Service Pension Scheme Regulations 2008

PART 2

BENEFITS FOR OFFICERS

CHAPTER 2.H

ABATEMENT

2.H.1 Application of Chapter 2.H

- (1) This Chapter applies if —
- (a) a person who is a pensioner member of the Scheme is employed in NHS employment,
 - (b) the person's employment is not employment to which the person was transferred as a result of a transfer of an undertaking to the person's employer,
 - (c) the person's pension is a pension under—
 - (i) regulation 2.D.8 (early retirement on ill-health: active members),
 - (ii) regulation 2.D.10 (early retirement on ill-health: deferred members), or
 - (iii) regulation 2.D.11(1)(d)(ii) (early retirement on termination of employment by employing authority) in a case where the Secretary of State certified that the member's employment was terminated in the interests of the efficiency of the service in which the member was employed, and
 - (d) the person has not reached the age of 65.
- (2) In this Chapter "NHS employment" includes—
- (a) employment with an employer in respect of whom a direction has been made under section 7 of the Superannuation (Miscellaneous Provisions) Act 1967⁽¹⁾,
 - (b) employment to which regulations made under section 10 of the Superannuation Act 1972⁽²⁾ and having effect in Scotland apply,
 - (c) employment to which regulations made under Article 12 of the Superannuation (Northern Ireland) Order 1972⁽³⁾ apply,
 - (d) employment to which a scheme made under section 2 of the Superannuation Act 1984 (an Act of Tynwald)⁽⁴⁾ applies, and
 - (e) employment with an employer with whom an agreement has been made under section 235 of the 2006 Act.
- (3) In this Chapter, subject to paragraph (4)—

(1) 1967 c. 28.
(2) 1972 c. 11.
(3) S.I. 1972/1073.
(4) 1984 c. 8 (Tynwald).

Status: This is the original version (as it was originally made).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

- (a) a person to whom this Chapter applies is referred to as an “employed pensioner”,
 - (b) the pension to which the employed pensioner is entitled is referred to as the “old service pension”,
 - (c) the employment in respect of which the pension is payable is referred to the “the old employment”, and
 - (d) the employment in which the employed pensioner is employed is referred to as the “new employment”.
- (4) This Chapter applies whether or not the person is an active member of the Scheme in the new employment.
- (5) For the purposes of this Chapter, so much of any pension as is additional pension is ignored.