
STATUTORY INSTRUMENTS

2008 No. 653

The National Health Service Pension Scheme Regulations 2008

PART 3

BENEFITS FOR PRACTITIONERS ETC.

CHAPTER 3.B

MEMBERSHIP

3.B.2 Restrictions on eligibility: general

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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 3.D.7, and
 - (b) opts to exchange that pension for a lump sum in accordance with regulation 3.D.11.
- (5) 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 3.D.5 (partial retirement),
 - (b) regulation 3.G.4 (effect of re-employment on tier 2 ill-health pensions), or
 - (c) Chapter 3.G.