
STATUTORY INSTRUMENTS

2008 No. 653

The National Health Service Pension Scheme Regulations 2008

PART 3

BENEFITS FOR PRACTITIONERS ETC.

CHAPTER 3.H

ABATEMENT

3.H.7 Provisional reductions and later adjustments

(1) If it appears to the Secretary of State that the condition in regulation 3.H.3(2) will be met in any scheme year in respect of the old service pension for that year, the Secretary of State may reduce the amount of that pension paid at any time in the scheme year.

(2) Where the old service pension for a scheme year is being reduced under this Chapter, the Secretary of State must review the amount of the reduction—

- (a) at the end of the scheme year, and
- (b) at any time during the scheme year if it appears to the Secretary of State that—
 - (i) the amount of the reduction made for the year is or may become incorrect, or
 - (ii) no reduction should be made.

(3) If at any time during the scheme year it so appears, the Secretary of State must make such adjustments, whether by altering the amount of the reduction or by repaying to the employed pensioner any amount that should not have been deducted from the pension, as appear to the Secretary of State to be required.

(4) If at the end of the scheme year it is apparent that—

- (a) the reduction in the old service pension for the year was excessive, or
- (b) no such reduction should have been made,

the Secretary of State must repay the amount due to the employed pensioner.

(5) If at the end of the scheme year it is apparent that the old service pension paid for the year exceeded the amount due because the reduction in the old service pension required under regulation 3.H.3 was not made, the employed pensioner must repay the excess to Secretary of State.

(6) Paragraph (5) does not affect the Secretary of State's right to recover a payment or overpayment in any case where the Secretary of State considers it appropriate to do so.