
STATUTORY INSTRUMENTS

2009 No. 2446

The National Health Service Pension Scheme,
Injury Benefits and Additional Voluntary
Contributions (Amendment) Regulations 2009

PART 3

Amendment of the National Health Service Pension Scheme Regulations 2008

New regulation 2.B.1A

18. After regulation 2.B.1 (eligibility: general), insert—

“2.B.1A Eligibility: transitional

- (1) A person is eligible to be an active member of this Section of the Scheme if—
 - (a) the Secretary of State has accepted that person’s option to join this Section of the Scheme under Chapter 2.K, and
 - (b) that person is not prevented by regulation 2.B.2, 2.B.3 or 2.B.6 from doing so.
- (2) If a person referred to in paragraph (1)—
 - (a) is entitled to a tier 1 ill-health pension under regulations E2A(3)(a) of the 1995 Regulations (ill-health pension on early retirement), and
 - (b) as the result of a determination made by the Secretary of State under regulation E2B(3) of those Regulations (re-assessment of ill health condition determined under regulation E2A), that person becomes entitled to a tier 2 ill-health pension in place of that tier 1 ill-health pension,

that person shall cease to be eligible to be an active member of this Section of the Scheme from the date the Secretary of State makes that determination.”.