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STATUTORY INSTRUMENTS

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**2014 No. 570**

**The National Health Service Pension  
Scheme (Amendment) Regulations 2014**

**PART 3**

**Amendment of the National Health Service Pension Scheme Regulations 2008**

**Amendment of regulation 2.B.2**

**23.** After paragraph (13) of regulation 2.B.2 (restrictions on eligibility: general), insert—

“(13A) For the purposes of paragraphs (13B) to (13F), a retention arrangement is one under which—

- (a) a person is seconded from an employing authority (“the sending employing authority”) to another body which is not an employing authority (“the other body”), and
- (b) that person, pursuant to an intention of the sending employing authority, remains an employee of that authority in circumstances where that person’s performance of services pursuant to a qualifying contract for the other body counts as pensionable service only by reason of that retention arrangement.

(13B) A person who on 2nd April 2014, and pursuant to a retention arrangement which was entered into before that date, remains engaged by the other body to perform services pursuant to a qualifying contract, may not, from 1st April 2017 contribute to or accrue pensionable service under this Section of the Scheme in respect of the performance of those services.

This is subject to paragraph (13E).

(13C) A person who, pursuant to the retention arrangement referred to in paragraph (8B) is, on 2nd April 2014 engaged by the other body to perform services pursuant to the qualifying contract referred to in that paragraph, may not, from that date contribute to or accrue pensionable service under this Section of the Scheme in respect of the performance of any services under that contract.

This is subject to paragraph (13E).

(13D) A person who on, or after, 2nd April 2014 and pursuant to a retention arrangement (other than the one referred to in paragraph (8B)) is engaged by the other body to perform services pursuant to a qualifying contract, may not contribute to or accrue pensionable service under this Section of the scheme in respect of the performance of any services under that contract.

This is subject to paragraph (13E).

(13E) The Secretary of State may exceptionally allow a person referred to in paragraph (13B), (13C) or (13D) to contribute to or accrue pensionable service under this Section of the Scheme if the Secretary of State considers that appropriate having regard to the nature of the person’s employment and the circumstances under which it takes place.

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

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(13F) Nothing in this regulation prevents the other body referred to in paragraph (13B), (13C) or (13D) from applying for approval as an employing authority pursuant to regulation 2M.3.”.