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STATUTORY INSTRUMENTS

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**2015 No. 94**

**The National Health Service Pension Scheme Regulations 2015**

**PART 3**

Scheme membership

CHAPTER 2

Membership

**Membership**

**18.**—(1) Subject to regulation 19, a person is eligible to join this scheme if the person is a health service worker and is—

- (a) employed by an NHS organisation listed in Part 1 of Schedule 5;
- [<sup>F1</sup>(b) an individual who is a medical contractor, or who is employed by a medical contractor or dental contractor, listed in Part 2 of that Schedule;]
- (c) an individual who is employed by an independent provider in circumstances described in paragraph (4);
- (d) an individual who is a medical practitioner or dental practitioner listed in Part 3 of that Schedule; or
- (e) who is employed by a determination employer: see Part 4 of that Schedule.

(2) Subject to regulation 19, a person is eligible to join this scheme if the person is—

- (a) an individual of a category or description listed in Schedule 6; and
- (b) a person in respect of whom the Secretary of State has made a determination under section 25(5) of the 2013 Act.

(3) Where such a determination is made, these Regulations apply to the person subject to any modification made by the Secretary of State by direction under section 25(8) of the 2013 Act.

(4) The circumstances are that the person—

- (a) performs services pursuant to an approved qualifying contract (see regulation 150(3)); and
- (b) satisfies the wholly or mainly condition (see regulation 150(4)).

(5) In paragraph (1), the reference to a person being employed does not include a reference to a person engaged under a contract for services.

(6) Where, in relation to a single employment or engagement for provision of services, a person is eligible to join this scheme by virtue of more than one of the sub-paragraphs of paragraphs (1) or (2), the scheme manager must determine which one sub-paragraph is to be used as the basis for membership.

**Textual Amendments**

**F1** Reg. 18(1)(b) substituted (1.4.2015) by [The National Health Service Pension Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/581\)](#), regs. 1(b), **2(2)**

**Restrictions on membership**

**19.—(1)** A person is not eligible to be a member of this scheme if the person—

- (a) is under the age of 16 or over the age of 75;
- (b) is eligible to be an active member of—
  - (i) a superannuation scheme established under section 1 or 9 of the Superannuation Act 1972 <sup>M1</sup>; or
  - (ii) a public service pension scheme established under section 1(2)(a) or 1(2)(d) of the 2013 Act,

in respect of service in such a scheme and is such a member;

<sup>F2</sup>(c) .....

- (d) is a pensioner member of the 1995 Section or the 2008 Section except so far as otherwise provided pursuant to the National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015;
- (e) holds an honorary appointment and is not at the same time otherwise entitled to join this scheme;
- (f) is employed by a dental contractor but is not a dental practitioner;
- (g) is employed by—
  - (i) a GMS practice;
  - (ii) a PMS practice; or
  - (iii) an APMS contractor,

<sup>F3</sup>(iv) a primary care network management company]

but does not assist the employer in the provision of services for the purposes of the GMS contract, PMS agreement or APMS contract [<sup>F4</sup>or primary care network standard sub-contract] (as the case may be);

- (h) is a person—
  - (i) who—
    - (aa) becomes entitled to a Tier 2 IHP (see regulation 90); and
    - (bb) opts to exchange the Tier 2 IHP for a lump sum pursuant to regulation 109;
  - or
  - (ii) to whom regulation 96(5)(b) applies.

(2) Schedules 7 and 8 make provision in relation to other persons who are not eligible to become members of this scheme except as permitted by the Secretary of State.

**Textual Amendments**

**F2** Reg. 19(1)(c) omitted (1.10.2023) by virtue of [The National Health Service Pension Schemes \(Partial Retirement etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/952\)](#), regs. 1(2), **23**

- F3** Reg. 19(1)(g)(iv) inserted (1.4.2023) by The National Health Service Pension Schemes (Amendment) Regulations 2023 (S.I. 2023/301), regs. 1(2), **8**
- F4** Words in reg. 19(1)(g) inserted (1.4.2023) by The National Health Service Pension Schemes (Amendment) Regulations 2023 (S.I. 2023/301), regs. 1(2), **8**

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**Marginal Citations**

- M1** 1972 c.11. Section 1 deals with pension schemes for civil servants and section 9 deals with pension schemes for teachers.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, CHAPTER 2.