
STATUTORY INSTRUMENTS

2015 No. 94

The National Health Service Pension Scheme Regulations 2015

PART 5

Members' benefits

CHAPTER 3

Early and premature retirement

Early retirement

79.—(1) A member (M) is entitled to payment of a reduced pension (an early retirement pension) from the entitlement day if M—

- (a) has reached normal minimum pension age but has not reached normal pension age;
- (b) is qualified for retirement benefits;
- (c) has ceased all NHS employment; and
- (d) has applied under paragraph 4 of Schedule 3 for payment of an early retirement pension.

(2) M is not entitled to payment of an early retirement pension if the scheme manager, after consultation with the scheme actuary, decides that the amount of the pension would be less than the amount of the guaranteed minimum pension (if any) to which M is entitled.

(3) An early retirement pension is payable for life.

(4) Part 3 of Schedule 13 has effect in respect of the calculation of the amount of an early retirement pension.

Entitlement day

80.—(1) The entitlement day for the purposes of an early retirement pension is—

- (a) in the case of a deferred member, the date specified in the claim as the date on which the pension is to become payable;
- (b) in the case of an active member, the day immediately following the day on which M ceased to be employed in NHS employment.

(2) If regulation 98 applies to M, for the purposes of M's entitlement to a pension in respect of old employment (within the meaning of regulation 101(3)) a reference in this regulation to M ceasing to be in NHS employment must be treated as a reference to M ceasing to be in the old employment.

Premature retirement in the interests of efficiency

81.—(1) A relevant member (M) is entitled to payment of a premature retirement pension from the entitlement day if—

- (a) M has reached normal minimum pension age but has not reached normal pension age;
- (b) M is qualified for retirement benefits;

- (c) M's pensionable employment has been terminated by M's employing authority in the interests of the efficient discharge of the functions of M's employing authority;
 - (d) M's employing authority gives written notice to the scheme manager pursuant to paragraph (2);
 - (e) the scheme manager certifies that M's employment is terminated in the interests of the efficient discharge of the employing authority's functions;
 - (f) M has ceased to be employed in NHS employment; and
 - (g) not later than 6 months after M's employment is terminated, M applies under paragraph 4 of Schedule 3 for payment of a premature retirement pension.
- (2) The notice must state that—
- (a) M's pensionable employment was terminated in the interests of the efficient discharge of the employing authority's functions;
 - (b) M has at least 2 years' continuous employment determined in accordance with any terms and conditions applying to the employment;
 - (c) the employing authority agrees that a premature retirement pension should become payable to M; and
 - (d) M has not unreasonably refused—
 - (i) to seek suitable alternative employment; or
 - (ii) to accept an offer of such employment.
- (3) A certificate under paragraph (1)(e) may be given only with the agreement of M's employing authority.
- (4) A premature retirement pension is payable for life.
- (5) A relevant member is a member who is not—
- (a) a practitioner;
 - (b) a non-GP provider; or
 - (c) practice staff.
- (6) Part 4 of Schedule 13 has effect in respect of the calculation of the amount of a premature retirement pension.

Premature retirement on grounds of redundancy

82.—(1) A relevant member (M) is entitled to payment of a premature retirement pension from the entitlement day if—

- (a) M has reached normal minimum pension age but has not reached normal pension age;
- (b) M is qualified for retirement benefits;
- (c) M's pensionable employment has been terminated by M's employing authority by reason of M's redundancy;
- (d) M's employing authority gives written notice to the scheme manager pursuant to paragraph (2);
- (e) the scheme manager certifies that M's employment is terminated by reason of redundancy;
- (f) M has ceased to be employed in NHS employment; and
- (g) not later than 6 months after M's employment is terminated, M applies under paragraph 4 of Schedule 3 for payment of a premature retirement pension.

(2) The notice must state—

- (a) that M's pensionable employment was terminated by reason of M's redundancy;
 - (b) that M has at least 2 years' continuous employment determined in accordance with any terms and conditions applying to the employment;
 - (c) that the employing authority agrees that a premature retirement pension should become payable to M;
 - (d) that M has not unreasonably refused—
 - (i) to seek suitable alternative employment; or
 - (ii) to accept an offer of such employment;
 - (e) that M is entitled to claim a pension under this regulation as an alternative to receiving (in whole or in part) the lump sum payment otherwise payable to M in accordance with those terms and conditions; and
 - (f) whether the additional contribution option applies to M.
- (3) A certificate under paragraph (1)(e) may be given only with the agreement of M's employing authority.
- (4) A premature retirement pension is payable for life.
- (5) M is not entitled to payment of a premature retirement pension if the scheme manager, after consultation with the scheme actuary, decides that the amount of the pension would be less than the amount of the guaranteed minimum pension to which M is entitled.
- (6) If the additional contribution option applies, the payment of M's pension does not start until M's employing authority has at the same time—
- (a) remitted to the scheme manager M's contribution paid to the employing authority pursuant to regulation 32(6); and
 - (b) paid the contribution required under regulation 35(2).
- (7) Sub-paragraph (a) of paragraph (6) does not apply if—
- (a) M has chosen not to pay a contribution as mentioned in regulation 32(2); and
 - (b) the employing authority gives confirmation of that in writing to the scheme manager.
- (8) A relevant member is a member who is not—
- (a) a practitioner;
 - (b) a non-GP provider; or
 - (c) practice staff.
- (9) The additional contribution option applies if the terms and conditions of M's employment entitle M optionally to make an additional contribution towards the cost of paying the pension if the lump sum payment is insufficient to meet that cost in full.
- (10) Part 4 of Schedule 13 has effect in respect of the calculation of the amount of a premature retirement pension.

Premature retirement entitlement day

83. The entitlement day for a premature retirement pension is the day immediately following the day on which M ceased to be employed in NHS employment.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, CHAPTER 3.