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STATUTORY INSTRUMENTS

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**2015 No. 94**

The National Health Service Pension Scheme Regulations 2015

**PART 5**

Members' benefits

CHAPTER 3

Early and premature retirement

**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.

**Status:** Point in time view as at 01/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, Section 82. (See end of Document for details)

- (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.

**Status:**

Point in time view as at 01/04/2024.

**Changes to legislation:**

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