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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 4

Partial retirement

**Election for partial retirement (members over normal minimum pension age)**

- 84.**—(1) This regulation applies to a member (M) if—
- (a) M has reached normal minimum pension age;
  - (b) M continues to be employed in an employment in which M is an active member;
  - (c) M is qualified for retirement benefits;
  - (d) the terms on which M holds or engages in the employment mentioned in sub-paragraph (b) change; and
  - (e) as a result of the change, M is subject to a relevant reduction.
- (2) In paragraph (1), M is subject to a relevant reduction if—
- (a) where M is neither a practitioner nor a non-GP provider, M's pensionable earnings in the employment mentioned in paragraph (1)(b) are reduced [<sup>F1</sup>(disregarding any reduction in pensionable earnings resulting from the member entering into a salary sacrifice arrangement)] to 90% or less of the amount of M's pensionable earnings during the period of 12 months ending with the election day;
  - (b) where M is a practitioner or a non-GP provider, M's engagement in the employment is reduced to 90% or less of its level during that period.
- (3) If this regulation applies M may elect to claim immediate payment of pension as specified in the election pursuant to paragraphs (a) and (b)—
- (a) M must specify the percentage of pension M claims (the specified percentage);
  - (b) M must specify whether M claims any additional pension to which M is entitled.
- (4) The election must be exercised by notice in writing to the scheme manager in such form as the scheme manager determines and must be accompanied by—
- (a) where M is neither a practitioner nor a non-GP provider, a statement in writing by the employing authority that the conditions in paragraph (1)(d) and (e) are met;
  - (b) where M is a practitioner or a non-GP provider—
    - (i) appropriate supporting evidence; and
    - (ii) a statement in writing by the host Board that the conditions in paragraph (1)(d) and (e) are met.
- (5) The specified percentage must be such that—

- (a) the amount of the pension to which M becomes entitled as a result of the election—
  - (i) is not less than 20% of the pension that would have been payable if M had ceased to be employed in all of M's employments at the end of the election day; and
  - (ii) taken together with any increase to which M is entitled in consequence of the election, is not less than 0.05% of M's [<sup>F2</sup>lump sum and death benefit allowance] on the election day;
- <sup>F3</sup>(b) .....
- (6) In applying paragraph (5)—
  - (a) any additional pension to which M is entitled must be ignored; and
  - (b) the amount in sub-paragraph (a) is the amount of the pension disregarding the effect of an application under regulation 77.
- (7) An election under this regulation may be made on not more than two occasions and the scheme manager must take advice from the scheme actuary regarding—
  - (a) any benefits to be paid after the first election (but before the second election);
  - (b) any benefits to be paid after a second election; and
  - (c) the final payment.
- (8) If M was not an active member during the whole of the period of 12 months mentioned in paragraph (2)(a), that paragraph applies as if M's pensionable earnings during that period were—

$$PE \times \frac{365}{N}$$

where—

PE is M's pensionable earnings for the part of that period during which M was an active member; and

N is the number of days in that period on which M was an active member.

(9) In this regulation and regulations 85 to 89, the election day is the day before the relevant reduction takes effect.

**Textual Amendments**

- F1** Words in [reg. 84\(2\)\(a\)](#) inserted (1.4.2024) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2024 \(S.I. 2024/281\)](#), [regs. 1\(2\)](#), **25(2)**
- F2** Words in [reg. 84\(5\)\(a\)\(ii\)](#) substituted (1.4.2024) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2024 \(S.I. 2024/281\)](#), [regs. 1\(2\)](#), **25(3)**
- F3** [Reg. 84\(5\)\(b\)](#) 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\(2\)](#), **24**

**Modifications etc. (not altering text)**

- C1** [Reg. 84\(5\)](#) modified (1.4.2015) by [The National Health Service Pension Scheme \(Transitional and Consequential Provisions\) Regulations 2015 \(S.I. 2015/95\)](#), [regs. 1\(b\)](#), **31(3)**
- C2** [Reg. 84\(5\)](#) modified (1.10.2023) by [The National Health Service Pension Scheme \(Transitional and Consequential Provisions\) Regulations 2015 \(S.I. 2015/95\)](#), [reg. 31\(3\)](#) (as substituted by [S.I. 2023/952](#), [regs. 1\(2\)](#), **32(4)**)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, Section 84.