
STATUTORY INSTRUMENTS

2015 No. 95

The National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015

PART 2

Transitional provisions

CHAPTER 5

Additional contributions

Decoupling of benefits derived from additional contributions

25.—(1) This regulation applies to a transition member who has accrued entitlements in the 1995 Section from the payment of additional contributions under Part Q of the 1995 Regulations.

(2) Where this regulation applies, the member may elect that the part of a pension payable under regulation E1 of the 1995 Regulations derived solely from the payment of additional contributions under Part Q of those Regulations should be payable from—

- (a) the member's chosen date (subject to paragraph (10), as defined in regulation Q6(3)), in the case of purchase of additional service;
- (b) the member's chosen birthday (subject to paragraph (10), as defined in regulation Q8), in the case of purchase of additional pension,

notwithstanding the fact that the member continues in pensionable service under the new scheme (and for the purposes of any calculation, the member is to be taken to have retired from pensionable service on the member's chosen date or the member's chosen birthday (as applicable)).

(3) Paragraph (4) applies where the member has—

- (a) made more than one election under regulation Q4 or Q6 of the 1995 Regulations;
- (b) exercised the option under regulation Q8 or Q10 of the 1995 Regulations more than once;
or
- (c) made one or more elections under regulation Q6 of the 1995 Regulations and exercised the option under regulation Q8 of the 1995 Regulations once or more.

(4) Any election under paragraph (2)—

- (a) must—
 - (i) where it relates to an election under regulation Q4 or Q6 of the 1995 Regulations be made in relation to every election under those regulations; and
 - (ii) where it relates to an option under regulation Q8 or Q10 of the 1995 Regulations be made in relation to every election under those regulations,

which has the same date as the member's chosen date or chosen birthday (as applicable);
and

- (b) may be made on a second or subsequent occasion in respect of elections under regulation Q4 or Q6 of the 1995 Regulations and options under regulation Q8 or Q10 of the 1995 Regulations which have as the member's chosen date or chosen birthday (as applicable) a date different from any date in respect of which an election has previously been made under paragraph (2).
- (5) Regulations E6 and E7 of the 1995 Regulations (where relevant) apply in relation to a payment made pursuant to this regulation.
- (6) An election for the purposes of paragraph (2) must be given in writing to the scheme administrator, containing such information as the scheme administrator requires, no later than one month before the member's chosen date or the member's chosen birthday (as applicable).
- (7) Where payment of part of a pension is made pursuant to paragraph (2) in respect of additional service resulting from an election under regulation Q4 or Q6 of the 1995 Regulations—
 - (a) regulations F2, G3 and H4 of the 1995 Regulations apply to that part of a pension as though it was the member's pension for the purposes of those regulations;
 - (b) the 1995 Regulations apply to the member's remaining entitlements under those Regulations as though no additional contributions had been made under Part Q; and
 - (c) no further pension in respect of the additional contributions actually paid under Part Q of the 1995 Regulations is payable under those Regulations.
- (8) Where payment of part of a pension is made pursuant to paragraph (2) in respect of additional pension resulting from an option under regulation Q8 or Q10 of the 1995 Regulations—
 - (a) regulation Q14(4) to (8) of the 1995 Regulations applies;
 - (b) the 1995 Regulations apply to the member's remaining entitlements under those Regulations as though no additional contributions had been made under Part Q; and
 - (c) no further pension in respect of the additional contributions actually paid under Part Q of the 1995 Regulations is payable under those Regulations.
- (9) The scheme administrator must notify the member in writing of the right to make an election under this regulation at least six months before the member's chosen date or the member's chosen birthday (as applicable), specifying—
 - (a) the date on which any pension payable pursuant to this regulation would come into payment were an election to be made;
 - (b) the amount of any pension payable under this regulation (before any option to commute part of the pension into a lump sum); and
 - (c) the date by which the election under this regulation must be received by the scheme administrator pursuant to paragraph (6).
- (10) In paragraph (2)—
 - (a) the "chosen date" for an election under regulation Q4 is the date of the member's 60th birthday; and
 - (b) the "chosen birthday" for an election under regulation Q10 is the member's 60th birthday.