
STATUTORY INSTRUMENTS

2015 No. 95

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

PART 2

Transitional provisions

CHAPTER 3

Membership status and breaks in service

Qualifying service

7.—(1) In determining whether a transition member who is in pensionable service under the new scheme qualifies for retirement benefits (other than an ill-health pension) under the old scheme, the member's pensionable service under the old scheme terminates when the member's pensionable service under the new scheme terminates.

(2) Unless a transition member becomes a deferred member of the new scheme, the member does not become—

- (a) a member with a preserved pension in the 1995 Section; or
- (b) a deferred member of the 2008 Section.

(3) Where a transition member with more than two years of qualifying service opts out of membership of the new scheme pursuant to regulation 15 of the 2015 Regulations, the member becomes—

- (a) a member with a preserved pension under the 1995 Section; or
- (b) a deferred member of the 2008 Section,

in relation to service in that Section.

(4) Where a transition member has re-entered pensionable service under the new scheme, that member ceases to be—

- (a) a member with a preserved pension in the 1995 Section; or
- (b) a deferred member of the 2008 Section.

(5) In determining whether a member qualifies for benefits under the old scheme, the period of the member's qualifying service under regulation 22 of the new scheme applies in place of the period calculated pursuant to regulation—

- (a) C3 of the 1995 Regulations; or
- (b) 2.A.5 or 3.A.5 of the 2008 Regulations.