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STATUTORY INSTRUMENTS

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**2023 No. 985**

**The National Health Service Pension Schemes  
(Remediable Service) Regulations 2023**

**PART 12**

**Retirement pensions**

**Ill-health pension: acceptance of retrospective applications**

77.—(1) This regulation applies where—

- (a) a remedy member (“M”) submits an application for an ill-health pension on or after 1st October 2023, and
- (b) the scheme manager is satisfied that it is more likely than not that, but for a relevant breach of a non-discrimination rule<sup>(1)</sup>, M would, during the period of M’s remediable service, have made the decision to apply for an ill-health pension.

(2) The scheme manager may treat the application—

- (a) in accordance with regulation 27 of the 2015 Transitional Regulations<sup>(2)</sup> (ill-health benefits: continuity of existing applications), and
- (b) as if the application had been submitted before 1st April 2022.

(3) In this regulation, “ill-health pension” means a pension under—

- (a) regulation E2A of the 1995 Regulations (ill health pension on early retirement);
- (b) regulation 2.D.8 or 3.D.7 of the 2008 Regulations (early retirement on ill-health: active members and non-contributing members); or
- (c) regulation 90 of the 2015 Regulations (entitlement to ill-health pension).

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<sup>(1)</sup> See section 25(8) of PSPJOA 2022 for the meaning of “non-discrimination rule” and section 25(9) for the circumstances in which breach of a non-discrimination rule is “relevant”.

<sup>(2)</sup> Regulation 27 was amended by [S.I. 2022/327](#).