

## SCHEDULES

### SCHEDULE 1

Regulation 3

#### Eligibility of pensioners

#### **Eligibility of 1995 section pensioners to join the new scheme**

1. A person of the description in column 2 of the table is eligible to be a member of the new scheme in the circumstances or on the date specified in column 3 of the table.

**Table**

<i>Column 1</i> <i>Group</i>	<i>Column 2</i> <i>Description of person</i>	<i>Column 3</i> <i>Circumstances or date of eligibility</i>
1	<p>a 1995 Section member who is in receipt of an ill-health pension under regulation 13 or 13A of the 1995 Regulations who—</p> <p>(a) is in superannuable employment in the 1995 Section on or after 1st April 2015; or</p> <p>(b) who returned to superannuable employment in the 1995 Section on or before 31st March 2015 and who, if they had been in employment with an employing authority on 1st April 2015 would have been eligible to re-join the 1995 Section.</p>	<p>eligible to be an active member of the new scheme on the earliest of—</p> <p>(a) returning from a break in service where regulation 7 of the 1995 Regulations applies;</p> <p>(b) reaching the member's eligibility cessation date determined in accordance with regulation 8 of the 1995 Regulations;</p> <p>(c) returning from a break in service after reaching the member's eligibility cessation date determined in accordance with regulation 8 of the 1995 Regulations.</p>
2	<p>a 1995 Section member in receipt of a pension under regulation 13 or a tier 1 pension under regulation 13A of the 1995 Regulations who—</p> <p>(a) is in further superannuable employment in the 1995 Section on or before 31st March 2015; or</p> <p>(b) returns to HSC employment—</p> <p>(i) for the first time after the pension under regulation 13 or a tier 1 pension</p>	<p>eligible to be an active member of the new scheme on or after 1st April 2015 if that member would, apart from the operation of regulation 19(1)(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.</p>

*Status: This is the original version (as it was originally made).*

<i>Column 1</i> <i>Group</i>	<i>Column 2</i> <i>Description of person</i>	<i>Column 3</i> <i>Circumstances or date of eligibility</i>
	<p>under regulation 13A of the 1995 Regulations became payable;</p> <p>(ii) on or after 1st April 2015; and</p> <p>(iii) is under the age of 50 on the date of return to HSC employment,</p> <p>and who ceases to be eligible for superannuable employment in the 1995 Section in HSC employment on or after 1st April 2015 pursuant to regulation 8 of the 1995 Regulations.</p>	
3	<p>a 1995 Section member in receipt of a tier 2 pension under regulation 13A of the 1995 Regulations—</p> <p>(a) who re-enters HSC employment;</p> <p>(b) whose protection period for the purposes of regulation 13C of the 1995 Regulations spans 1st April 2015 or begins on or after 1st April 2015; and</p> <p>(c) who is—</p> <p>(i) under age 50 on the day after the protection period in regulation 13C(6)(b) of the 1995 Regulations ends; and</p> <p>(ii) not eligible to re-join the 1995 Section on that day pursuant to regulation 7 or 8 of the 1995 Regulations.</p>	<p>eligible to be an active member of the new scheme on the day after the protection period in regulation 13C(6)(b) of the 1995 Regulations ends.</p>
4	<p>a 1995 Section member who is in superannuable employment on or after 1st April 2015 who—</p> <p>(a) becomes a pensioner member of the 1995 Section with a tier 1 pension under regulation 13A of the 1995 Regulations from that employment;</p> <p>(a) subsequently re-enters HSC employment and on their return is under age 50; and</p>	<p>eligible to be an active member of the new scheme on the day of return to HSC employment.</p>

<i>Column 1</i> <i>Group</i>	<i>Column 2</i> <i>Description of person</i>	<i>Column 3</i> <i>Circumstances or date of eligibility</i>
	(b) is not eligible to re-join the 1995 Section on that day pursuant to regulation 7 or 8 of the 1995 Regulations.	
5	a 1995 Section member—  (a) who became eligible to join the new scheme on or after 1st April 2015;  (b) became an active member of the new scheme before reaching normal benefit age under the 1995 Section; and  (c) for whom the service in the 1995 Section did not qualify or has ceased to be superannuable service to which paragraphs 1(2)(i) and (ii) or paragraphs 2(i) and (ii) of Schedule 7 to the 2014 Act applies.	eligible to be an active member of the new scheme, or re-join the new scheme, notwithstanding the putting into payment of the pension under the 1995 Section.
6	a 1995 Section pensioner—  (a) who would have been eligible to be an active member of the 2008 Section after the completion of a waiting period as set out in regulation 21A and 153A of the 2008 Regulations but who will not be eligible to join the 2008 Section on that date pursuant to regulations 21 or 153 of the 2008 Regulations; and  (b) who—  (i) has not yet returned to HSC employment on 1st April 2015; or  (ii) returned to HSC employment before that date but, on that date, has not completed the relevant waiting period.	eligible to be an active member of the new scheme on completion of the relevant waiting period in regulation 21A or 153A of the 2008 Regulations.

### **Eligibility of 2008 Section pensioners to join new scheme**

2.—(1) Subject to paragraph (2), a 2008 Section pensioner member is eligible to be a member of the new scheme if that member would, apart from the operation of regulation 19(1)(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.

(2) A person of the description in column 2 of the table is eligible to be a member of the new scheme in the circumstances or on the date specified in column 3 of the table.

*Status: This is the original version (as it was originally made).*

**Table**

<i>Column 1</i> <i>Group</i>	<i>Column 2</i> <i>Description of person</i>	<i>Column 3</i> <i>Circumstances or date of eligibility</i>
1	<p>a 2008 Section pensioner member—</p> <p>(a) who is also an active member of the 2008 Section on or after 1st April 2015; or</p> <p>(b) other than a tier 2 ill-health pensioner who returns to HSC employment on or after that date.</p>	<p>eligible to be an active member of the new scheme on return from a break in service where regulation 22(1B) or 154(1B) of the 2008 Regulations applies.</p>
2	<p>a 2008 Section pensioner member—</p> <p>(a) who is also an active member of the 2008 Section on or after 1st April 2015; or</p> <p>(b) other than a tier 2 ill-health pensioner who returns to HSC employment on or after that date,</p> <p>and to whom regulation 22(1D) or 154(1D) of the 2008 Regulations applies.</p>	<p>eligible to be an active member of the new scheme on the earliest of—</p> <p>(a) returning from a break in service where regulation 22(1B) or 154(1B) of the 2008 Regulations applies;</p> <p>(b) reaching the member’s eligibility cessation date determined in accordance with regulations 22(1F) or 154(1F) of the 2008 Regulations;</p> <p>(c) returning from a break in service after reaching the member’s eligibility cessation date determined in accordance with regulations 22(1F) or 154(1F) of the 2008 Regulations.</p>
3	<p>a 2008 Section pensioner member—</p> <p>(a) who is also an active member of the 2008 Section on 31st March 2015; or</p> <p>(b) other than a tier 2 ill-health pensioner who returns to HSC employment on or after that date,</p> <p>and ceased to be eligible to be an active member of the 2008 Section in any employment on or after 1st April 2015.</p>	<p>eligible to be an active member of the new scheme on the first day on or after 1st April 2015 that the member is in an employment that would, apart from the operation of regulation 19(1)(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.</p>
4	<p>a tier 2 ill-health pensioner—</p> <p>(a) who returns to HSC employment and the first anniversary of that return is on or after 1st April 2015;</p>	<p>eligible to be an active member of the new scheme on the first day on or after the first anniversary of return to HSC employment that the member is in an employment that would, apart from the operation of regulation 19(1)(d) of the</p>

<i>Column 1</i> <i>Group</i>	<i>Column 2</i> <i>Description of person</i>	<i>Column 3</i> <i>Circumstances or date of eligibility</i>
	<p>(b) to whom regulation 113(5)(b) or 239(5)(b) of the 2008 Regulations applies; and</p> <p>(c) on the first anniversary of the return to HSC employment that person is not eligible to re-join the 2008 Section pursuant to regulations 21 and 22 or 153 and 154 of the 2008 Regulations.</p>	<p>2015 Regulations, otherwise be eligible for membership under those Regulations.</p>
5	<p>a 2008 Section member—</p> <p>(a) who is not eligible to be an active member of that Section in HSC employment on or after 1st April 2015; and</p> <p>(b) who becomes a pensioner member of that Section on or after that date.</p>	<p>eligible to be an active member of the new scheme on or after 1st April 2015 if that member would, apart from the operation of regulation 19(1)(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.</p>

(3) Paragraphs (1) and (2) apply notwithstanding a person also—

- (a) being a 1995 Section pensioner; or
- (b) becoming a 1995 Section pensioner after becoming eligible to be an active member of the new scheme.