
STATUTORY INSTRUMENTS

1995 No. 300

The National Health Service Pension Scheme Regulations 1995

PART B

Membership

Membership of the scheme

B1.—(1) Subject to regulation B2 (restrictions on membership), the following persons are eligible to join the scheme—

- (a) officers; and
- (b) medical and dental practitioners and trainee practitioners.

(2) Each eligible person will, on commencing NHS employment, be included in the scheme automatically, unless the person opts not to be included.

(3) A person who, on the coming into force of these Regulations, is not included in the scheme will not be included in the scheme automatically, but, if eligible, may join the scheme by applying on a form provided by the employing authority.

(4) A person who is included in the scheme may opt-out at any time in accordance with regulation B4 (opting-out of the scheme).

Restrictions on membership

B2. The following persons may not join the scheme—

- (a) persons under the age of 16 or over the age of 70;
- (b) special class officers over the age of 65;
- (c) persons eligible to participate in a superannuation scheme established under section 9 of the Superannuation Act 1972⁽¹⁾;
- (d) persons who hold honorary appointments and do not at the same time hold any other employment which entitles them to join the scheme.

Restriction on further participation in the scheme

B3.—(1) Persons who cease to satisfy the conditions for eligibility for membership specified in regulations B1(1) and B2 may not contribute to or accrue further pensionable service under the scheme.

(2) Persons whose pensions under the scheme are payable may not contribute to or accrue further pensionable service under the scheme, except in the cases referred to in regulation E2(11) (further pensionable employment under the age of 50 after early retirement pension becomes payable on grounds of ill-health) and regulation R4(6) (further pensionable employment where early retirement pension becomes payable in respect of concurrent employment on grounds of redundancy).

(1) 1972 c. 11.

Opting-out of the scheme

B4.—(1) A person who does not wish to, or who no longer wishes to, participate in the scheme may opt-out of the scheme at any time by giving notice in writing to his employing authority and such person will be treated as having left pensionable employment on the date the notice takes effect.

(2) Subject to paragraph (3), the notice will take effect from the first day of the pay period immediately following its receipt by the employing authority, unless a later date is specified in the notice.

(3) A person who opts-out of the scheme before the end of the pay period during which the employing authority included that person in the scheme will be treated as never having been included in the scheme.

(4) A notice under paragraph (1) will apply to any subsequent employment with the same employing authority.

(5) Subject to paragraph (6), a person who has opted-out of the scheme may, if eligible to do so, join or rejoin the scheme by giving notice in writing to the employing authority and on so doing will be included in the scheme on the first day of the first pay period after the notice is received or such later date (which must be the first day of a pay period) as is specified in the notice.

(6) A person who has opted-out may not join or rejoin the scheme during a period of absence from work for any reason.

(7) A person shall not be treated as having retired from pensionable employment by reason only of having opted-out of the scheme.