
STATUTORY INSTRUMENTS

1995 No. 300

The National Health Service Pension Scheme Regulations 1995

PART V

Miscellaneous and supplementary

Option to members detrimentally affected by these Regulations

V1.—(1) This regulation applies in relation to any pension which is payable under these Regulations to or in respect of a person who, having served in an employment or office, service in which qualified persons to participate in the benefits provided under the previous regulations, ceased to serve therein or died before these Regulations came into force.

(2) Where, in a case to which this regulation applies, any provision of these Regulations would operate in relation to any person so as to place that person in a worse position than he would have been if the provision had not applied, that person may elect that the provision shall not so apply by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) shall be in writing and shall be delivered to the Secretary of State within 6 months of the coming into force of these Regulations.

(4) An election pursuant to paragraph (2) shall have effect in relation to the pension referred to in paragraph (1) only to the extent that such pension has accrued by virtue of contributions made and periods of service rendered prior to the cessation referred to in paragraph (1) (or, if there has been more than one such cessation, the last of them before the coming into force of these Regulations) and in determining entitlement to, and the amount of, the pension to that extent, such person shall be treated as if he had never recommenced pensionable employment at any time after that cessation (or, as the case may be, the last such cessation).

Revocations and savings

V2.—(1) The Regulations specified in Column 1 of the Table to Schedule 3 are revoked to the extent specified in Column 2 of that Table.

(2) Anything done under, or by virtue of, any regulation revoked by these Regulations, if it could have been done under or for the purpose of the corresponding provision of these Regulations, shall be deemed to have been done under or by virtue of the corresponding provision of these Regulations and anything begun under, or by virtue of, any such regulation may be continued under these Regulations as if begun under these Regulations.

(3) Where, prior to the coming into force of these Regulations, any of the following provisions of the previous regulations applied in relation to a member, namely—

- (a) regulation 11 (additional benefits for certain transferred officers);
- (b) regulations 30 to 33 (continuation of previous arrangements in respect of additional contributory payments);
- (c) regulation 35(7) (part-time service before 15 December 1966 in respect of certain practitioners);

- (d) regulations 40 to 43 (benefits in the case of certain re-employed pensioners);
- (e) regulations 44 to 51 (optants and certain other arrangements);
- (f) regulations 56 and 57 (modification of benefits and obligations in connection with the National Insurance Acts 1946 and 1965);
- (g) regulations 63 to 65 (officers formerly employed in certain hospitals or in the Blood Transfusion Service);
- (h) regulation 78 (part-time specialists with service before 15th December 1966);
- (i) regulation 79 (continuation of contracts or policies of insurance in certain cases); and
- (j) regulation 83 (provisions relating to contributions on a former higher rate of remuneration);

any rights and liabilities relating to that member by virtue of those provisions shall be deemed to continue to apply notwithstanding the revocation of those provisions.