
STATUTORY INSTRUMENTS

1995 No. 300

The National Health Service Pension Scheme Regulations 1995

PART L

Early leavers

Refund of contributions

L2.—(1) A member who leaves pensionable employment without becoming entitled to a pension under regulations E1 to E5 or a preserved pension under regulation L1 shall be entitled to receive a refund of his contributions, less tax at 20 per cent. or such other rate as applies from time to time.

(2) A member who wishes to take a refund of contributions must apply in writing to the Secretary of State.

(3) If the member's employment was contracted-out by reference to the scheme, the member (and the member's spouse, if any) will remain entitled to a guaranteed minimum pension under the scheme, unless the Secretary of State discharges her liability to provide a guaranteed minimum pension by paying a contributions equivalent premium under section 55(2) of the Pension Schemes Act 1993.

(4) If a contributions equivalent premium is paid, the member's refund of contributions will be reduced by the amount recoverable under section 61 of the Pensions Schemes Act 1993 (deduction of contributions equivalent premium from refund of contributions).

(5) If a contributions equivalent premium is not paid, the member's refund of contributions will be reduced by the amount that the Secretary of State estimates would have been recoverable under section 61 of the Pensions Schemes Act 1993 if the premium had been paid.

(6) A member shall not be entitled to a refund of contributions for any period of service in respect of which the Secretary of State has received a transfer payment in respect of his rights under a personal pension scheme.

(7) Where a refund of contributions is made, the Secretary of State shall be discharged from any obligation to provide benefits under the scheme except to any extent provided for under paragraph (3).