

SCHEDULE

Regulation 2

AMENDMENT OF THE PRINCIPAL REGULATIONS

1. In regulation D2 (contributions by employing authorities)—
 - (a) at the end of paragraph (1), there shall be added the words “and when specifying a rate, the Secretary of State shall include the cost of providing any increases in pensions which are payable by virtue of Part I of the Pensions (Increase) Act 1971⁽¹⁾”;
 - (b) in paragraph (3)(e), after the words “sub-paragraphs (a) to (d)” there shall be inserted the words “which have not been contributed pursuant to paragraph (1)”.
2. In regulation L1 (preserved pension)—
 - (a) at the beginning of paragraph (4), there shall be inserted the words “Except in a case to which paragraph (4A) applies,”;
 - (b) after paragraph (4), there shall be inserted the following paragraphs—
 - “(4A) Paragraph (4) may not apply where the NHS employment which the member is in when he reaches age 60 is employment into which he has been transferred as a result of a transfer of an undertaking to the employer.
 - (4B) Where a member receives a pension under paragraph (1) while being in the new employment to which paragraph (4A) applies—
 - (a) his benefits in respect of any pensionable service in that new employment shall be calculated without regard to any pensionable service in any earlier employment;
 - (b) for the purposes of regulation C2 (meaning of “pensionable service”) and regulation D1(3) and (4) (contributions by members), his service in the earlier employment and in the new employment shall be aggregated.”.
3. In regulation S2 (reduction of pension on return to NHS employment)—
 - (a) at the beginning of paragraph (1), there shall be inserted the words “Except in a case to which paragraph (1A) applies,”;
 - (b) after paragraph (1), there shall be inserted the following paragraph—
 - “(1A) This paragraph applies where the member has been transferred into NHS employment as a result of a transfer of an undertaking to the employer.”.
4. In regulation T6 (loss of rights to benefits)—
 - (a) after paragraph (1), there shall be inserted the following paragraph—
 - “(1A) Subject to paragraph (2), the Secretary of State may also direct that all or part of any rights to benefits or other amounts payable in respect of a member be forfeited where such benefits or amounts are payable to a person who is—
 - (a) the member’s widow or widower;
 - (b) a dependant of the member;
 - (c) a person not coming within sub-paragraph (a) or (b) who is specified in a notice given under regulation F5(3A); or
 - (d) a person to whom such benefits or amounts are payable under the member’s will or on his intestacy,

(1) 1971 c. 56. Section 2 has been replaced by section 59 of the Social Security Pensions Act 1975 (c. 60) but subsection (7) of that section provides that the said section 59 shall have effect as if contained in the said Act of 1971.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

and that person is convicted of the offence of murder or manslaughter of that member or of any other offence of which unlawful killing of that member is an element.”;

(b) in paragraph (2), for “paragraph (b) or (c)”, there shall be substituted “paragraph (1)(b) or (c)”.

5. In regulation U3(5) (accounts and actuarial reports), after the word “wages” there shall be inserted the words “and of all contributions to the scheme made under regulation D2(1)”.