
STATUTORY INSTRUMENTS

2008 No. 2263

**The National Health Service Pension Scheme and
Injury Benefits (Amendment) Regulations 2008**

PART 2

Amendment of the National Health Service Pension Scheme Regulations 2008

Insertion of new regulation 3.F.17

77. After regulation 3.F.16 (EU and other overseas transfers), insert—

“Transfers across

Transfers across from the NHS Pension Scheme 1995

3.F.17.—(1) An active member who is entitled to have a cash equivalent value calculated in respect of the entirety of the member’s rights under the NHS Pension Scheme 1995, pursuant to regulation M7 of the 1995 Regulations, may apply to convert that cash equivalent value into rights under this Scheme.

(2) An application under paragraph (1)—

- (a) must be made in writing using an application form provided for the purpose by the Secretary of State,
- (b) may only be made before the end of the period of three months beginning with the guarantee date established under regulation M7 of the 1995 Regulations,
- (c) may only be made if the member has first been furnished with a statement of the pensionable service and increase in pensionable earnings that the member will be entitled to count under this Scheme if the application is accepted by the Secretary of State,
- (d) must meet such other conditions as the Secretary of State may require, and
- (e) is irrevocable.

(3) The statement mentioned in paragraph (2)(c) must—

- (a) inform the member of the amount of increase in pensionable earnings that will count under this Scheme for the purposes of calculating benefits payable to or in respect of the member, and
- (b) inform the member of the amount of pensionable service that will count under this Scheme when determining whether or not the member has reached 45 years of pensionable service for the purposes of regulation 3.A.3.

(4) The amount of the increase in pensionable earnings mentioned in paragraph (3)(a) will be calculated by—

- (a) treating the member as entitled to a period of officer service equal to the period of employment that qualified the member for the rights in the NHS Pension Scheme 1995,
 - (b) calculating the reckonable pay that would have given rise to a cash equivalent in respect of that officer service under regulation 2.F.6 (calculating amounts of transfer value payments), and
 - (c) increasing the member's pensionable earnings by an amount equal to the pensionable pay that the member would have received during that period of officer service if the member's pensionable pay had been equal to the reckonable pay mentioned in paragraph (b) throughout that period.
- (5) The amount of pensionable service mentioned in paragraph (3)(b) will be calculated in accordance with any guidance, tables and other relevant factors provided by the Scheme actuary for that purpose, having regard to the period of employment that qualified the member for the rights in the NHS Pension Scheme 1995.
- (6) If the Secretary of State accepts an application under paragraph (1)—
- (a) the member is entitled to count under this Scheme the period of pensionable service mentioned in paragraph (3)(b) for the purpose specified therein,
 - (b) that period of pensionable service shall be credited to the member on the day that the Secretary of State received the member's application,
 - (c) the member is entitled to count the increase in pensionable earnings calculated under paragraph (4) for the purposes of calculating benefits payable to or in respect of the member under this Scheme, and
 - (d) that increase in pensionable earnings shall be credited to the member in the financial year during which the day that the Secretary of State received the member's application falls."