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STATUTORY INSTRUMENTS

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**2008 No. 653**

The National Health Service Pension Scheme Regulations 2008

PART 3

BENEFITS FOR PRACTITIONERS ETC.

CHAPTER 3.H

ABATEMENT

**3.H.3 Reduction of pension**

(1) If the condition in paragraph (2) is met, the amount of the old service pension for any scheme year is reduced.

(2) The condition is that the employed pensioner's relevant income for the scheme year exceeds the employed pensioner's previous pay.

(3) The amount of the reduction under paragraph (1) is equal to that excess but cannot exceed the enhancement amount.

(4) For the meaning of "relevant income" and "enhancement amount" see regulation 3.H.4.

(5) For the meaning of "previous earnings" see regulation 3.H.5.

(6) If the employed pensioner holds the new employment for only part of any scheme year, this regulation applies as if—

(a) the reference in paragraph (2) to the employed pensioner's relevant income were a reference to the appropriate proportion of that income, and

(b) the reference in that paragraph to the employed pensioner's previous earnings were a reference to the appropriate proportion of those earnings.

(7) In paragraph (6) "the appropriate proportion" means the same proportion as the period during which the new employment is held bears to the whole scheme year.

(8) If the member has a guaranteed minimum under section 14 of the 1993 Act in relation to the old service pension, nothing in this regulation requires the reduction of the old service pension below the amount of the member's guaranteed minimum in relation to it.