

SCHEDULES

SCHEDULE 2

Transitional provisions

PART 3

Exceptions to section 18(1) of the 2013 Act: tapered protection members of the 1992 Scheme or the NFPS

Tapered protection members of the 1992 Scheme or the NFPS

15.—(1) A person (P) to whom any of paragraphs 18 to 21 applies is a tapered protection member of the 1992 Scheme or the NFPS.

(2) P ceases to be a tapered protection member of the 1992 Scheme or the NFPS on whichever of the following days occurs first—

- (a) P's tapered protection closing date; or
 - (b) the day on which P ceases to be in pensionable service under the 1992 Scheme or if later, ceases to be eligible to be in pensionable service under the NFPS unless sub-paragraph (3) or sub-paragraph (4) applies.
- (3) This sub-paragraph applies if—
- (a) before P's transition date P returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and
 - (b) P would have been a protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(4) This sub-paragraph applies if—

- (a) before P's transition date P returns to service which is pensionable under the NFPS otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) P returns to service which is pensionable under the NFPS after a gap in service not exceeding five years.

(5) For the purpose of paragraph (4)(b), after the scheme closing date, P is not on a gap in service while P is in pensionable public service.

Exception for tapered protection members during protection period

16.—(1) The protection period for a tapered protection member of the 1992 Scheme or the NFPS is the period which—

- (a) begins on the day after the scheme closing date; and
- (b) ends when P ceases to be a tapered protection member of the 1992 Scheme or the NFPS.

Status: This is the original version (as it was originally made).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

(2) During the protection period—

- (a) P is eligible to be in pensionable service under the NFPS or where P is an active member of the 1992 Scheme, eligible to be in pensionable service under that scheme;
- (b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under the 1992 Scheme or the NFPS, as the case may be, to or in respect of P in relation to that pensionable service.

Tapered protection member not eligible to join this scheme

17. While a person (P) is a tapered protection member of the 1992 Scheme or the NFPS, P is not eligible to be an active member of this scheme in respect of that scheme employment.

Tapered protection: members of the 1992 Scheme or the NFPS on scheme closing date

18.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the 1992 Scheme or was an active member, or eligible to be an active member, of the NFPS on the scheme closing date;
- (b) on 31st March 2012, P was an active member of the 1992 Scheme or was an active member, or eligible to be an active member, of the NFPS; and
- (c) if P is an active member of the 1992 Scheme P would, unless P dies, reach normal pension age under that scheme, or if P is an active member or eligible to be an active member of the NFPS, P would reach normal pension age under that scheme during the period beginning with 2nd April 2022 and ending with 31st March 2026.

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing scheme other than the 1992 Scheme or the NFPS, or of an existing public body pension scheme, (“P’s transitional scheme”) on 31st March 2012;
- (b) P was an active member of the NFPS on the scheme closing date; and
- (c) P would, unless P dies, would reach normal pension age under—
 - (i) the NFPS during the period beginning with 2nd April 2022 and ending with 31st March 2026, and
 - (ii) P’s transitional scheme on or before 1st September 2025.

Tapered protection: members of an existing scheme

19. This paragraph applies if—

- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;
- (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing scheme other than the 1992 Scheme or the NFPS;
- (d) on the date that P begins service which is pensionable under the NFPS, P would have been a protected member of the existing scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and

- (e) P would, unless P dies, reach normal pension age under—
 - (i) the NFPS during the period beginning with 2nd April 2022 and ending with 31st March 2026, and
 - (ii) P's transitional scheme on or before 1st September 2025.

Tapered protection: members of an existing public body pension scheme

20. This paragraph applies if—

- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;
- (b) P was an active member of an existing scheme or an existing public body pension scheme ("P's transitional scheme") on 31st March 2012;
- (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing public body pension scheme;
- (d) on the date that P begins service which is pensionable under the NFPS, P would have been a protected member of the existing public body pension scheme referred to in (c) had P re-entered service which is pensionable under that scheme on that date; and
- (e) P would, unless P dies, reach normal pension age under—
 - (i) the NFPS during the period beginning with 2nd April 2022 and ending with 31st March 2026, and
 - (ii) P's transitional scheme on or before 1st September 2025.

Tapered protection members of an existing scheme or an existing public body pension scheme

21. This paragraph applies if—

- (a) paragraph 13 or 14 of this Schedule would have applied but for the fact that P would not have been a fully protected member of the existing scheme or existing public body pension scheme referred to in paragraph (13)(c) or (14)(c), as the case may be ("transferring scheme") on the date P begins service which is pensionable under the NFPS; and
- (b) P would have been a protected member of the transferring scheme by virtue of an exception to which section 18(7)(a) and (b) of the 2013 Act (or that section as applied by section 31(4)) applies had P re-entered service which is pensionable under the transferring scheme on the date P returns to service which is pensionable under the NFPS.