

No.

**PUBLIC SERVICE PENSIONS, ENGLAND AND WALES
NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The National Health Service Pension Schemes (Amendment)
Regulations 2025**

Made - - - -

Laid before Parliament

Coming into force

PART 1
Introductory

Citation, commencement, effect and extent

1.—(1) These regulations may be cited as the National Health Service Pension Schemes (Amendment) Regulations 2025.

(2) These regulations come into force on 1st April 2025, subject to paragraph (3).

(3) Regulations [17],[19(2),(3),(4) and (7)(a)],[23],[24],[26(4)] and [28(3)] [neonatal care leave] come into force on 6th April 2025.

(4) Regulations [10] and [15] [forfeiture] have effect retrospectively from 1st April 2008.

(5) Regulations [6], [12] [qualifying service], [9], [14], [transitional correction], [19(5),(6) (7)(b) and (8)] [reduced pay] and [27] [forfeiture] have effect retrospectively from 1 April 2015.

(6) Regulations [5], [8], [11] and [13] [parental bereavement leave] have effect retrospectively from 6th April 2020.

(7) Regulations [20], [21],[25],[33] and [34][reduced pay] have effect retrospectively from 1st October 2022.

(8) These Regulations extend to England and Wales.

PART 2

Amendments to the National Health Service Pension Scheme Regulations 1995

General

2. The National Health Service Pension Scheme Regulations 1995(a) are amended in accordance with this Part.

Amendment of regulation C1

3. In regulation C1 (meaning of “pensionable pay” and “final year’s pensionable pay”), after paragraph (12), insert—

“(13) Paragraphs (14) and (15) apply to a member who has remediable service within the meaning of section 1 of the Public Service Pensions and Judicial Offices Act 2022 that is pensionable service under this Section of the scheme by virtue of section 2(1) of that Act (remediable service treated as pensionable under Chapter 1 legacy schemes) and whose pensionable pay and pensionable service in this Section of the scheme is derived from contributions made to the 2015 Scheme in the relevant scheme years in respect of that remediable service, if—

- (a) at any time during that period of service, the terms of the member’s employment contract required the member to work less than whole-time, according to those terms, for any period of time (“the member’s part-time work”); and
- (b) the member received a relevant payment.

(14) The member may elect for all relevant payments to be included as pensionable pay for the purposes of this regulation, and for service in respect of that pensionable pay to be included in the member’s pensionable service for the purposes of regulation C2.

(15) The member’s employing authority must, before 1 October 2025, send a notice to the member of their right to make an election under paragraph (14), which must specify the amount of contributions the member and the member’s employing authority will be required to pay, and the amount of pensionable pay and pensionable service the member will be entitled to in respect of those contributions, if the member makes an election under paragraph (14).

(16) An election under paragraph (14) must be—

- (a) made—
 - (i) by the member in writing, in such form and including such information as the member’s employing authority requires;
 - (ii) in respect of all relevant payments received by the member.
- (b) received by the member’s employing authority before—
 - (i) the end of a period of three months beginning with the day on which the member is provided with the notice under paragraph (15); or
 - (ii) such a later date before 1 April 2026 as the member’s employing authority considers reasonable in all the circumstances of the case.

(a) S.I. 1995/300.

(17) For the purposes of this regulation a relevant payment means so much of a payment of salary, wages, fees or other regular payment made to a member by the employing authority—

- (a) in respect of work undertaken by the member during a scheme year falling within the period of the member's remediable service that was in excess of the member's part-time work;
- (b) that was treated by the member's employing authority as a payment for overtime for the purposes of regulation 27 of the 2015 Regulations; and
- (c) that was not made by the member's employing authority in respect of any period of time worked by the member that was in excess of whole-time, according to the terms of the member's employment contract.

(18) Where a member has made an election under paragraph (14), that member will be treated as if they had also made an election under regulation 27A(2) of the 2015 Scheme (election for relevant payments to be included as pensionable earnings).

(19) If a member does not make an election under paragraph (14), all relevant payments made to that member will be treated as payments for overtime for the purposes of this regulation.”

PART 3

Amendments to the National Health Service Pension Scheme Regulations 2008

General

4. The National Health Service Pension Scheme Regulations 2008^(a) are amended in accordance with this Part.

Amendment of regulation 2.A.4

5.—(1) (1) Regulation 2.A.4 (pensionable service: breaks in service) ^(b)is amended as follows.

- (2) In paragraph (3), for “(e)” substitute “(f)”.
- (3) In paragraph (3A), for “(e)” substitute “(f)”.

Amendment of regulation 2.A.5

6. In regulation 2.A.5(1) (meaning of "qualifying service")^(c), omit sub-paragraph (i) and after sub-paragraph (h), insert—

- “(i) in the case of a person who—
 - (i) ceased to be an active member of the 1995 Section on leaving NHS employment,
 - (ii) became a deferred member of that Section on leaving that employment and has not since become a pensioner member of that Section between the date of leaving that employment and joining this Section of the Scheme, and

^(a) S.I. 2008/653.

^(b) Regulation 2.A.4 was amended by S.I. 2008/2263 and 2009/2446.

^(c) Regulation 2.A.5(1) was amended by S.I 2011/2586.

(iii) became an active member of this Section of the Scheme between 1st October 2008 and 31 March 2015 and 5 or more years since last leaving NHS employment,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.

(j) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) or (1A) of regulation B4 of the 1995 Regulations (opting out of the Scheme);

(ii) as a result of that notice was treated as ceasing to be an active member of that Section;

(iii) pursuant to that notice remains opted-out of that Section for 5 years or more; and

(iv) became an active member of this Section of the Scheme between 1st October 2008 and 31 March 2015

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.

(k) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) or (1A) of regulation B4 of the 1995 Regulations (opting out of the Scheme) and following that notice, ceased to be an active member of that Section for any one period of five or more years comprising the aggregate of—

(aa) any period during which the person left NHS employment, and

(bb) any period during which the person was treated as never having been an active member of that Section in accordance with paragraph (3) of regulation B4 of those Regulations in respect of one or more later periods of NHS employment entered into after having given the notice for the purposes of paragraph (1) or (1A) of that regulation; and

(ii) became an active member of this Section of the Scheme between 1st October 2008 and 31 March 2015,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.”.

Amendment of regulation 2.A.8

7. In regulation 2.A.8 (meaning of “pensionable pay”), after paragraph (11), insert—

“(12) Paragraphs (13) and (14) apply to a member who has remediable service within the meaning of section 1 of the Public Service Pensions and Judicial Offices Act 2022 that is pensionable service under this Section of the scheme by virtue of section 2(1) of that Act (remedial service treated as pensionable under Chapter 1 legacy schemes) and whose pensionable pay and pensionable service in this Section of the Scheme is derived from contributions made to the 2015 Scheme in the relevant scheme years in respect of that remediable service, if—

- (a) at any time during that period of service, the terms of the member's employment contract required the member to work less than whole-time, according to those terms, for any period of time ("the member's part-time work"); and
- (b) the member received a relevant payment.

(13) The member may elect for all relevant payments to be included as pensionable pay for the purposes of this regulation, and for service in respect of that pensionable pay to be included in the member's pensionable service for the purposes of regulations 2.A.2 and 2.A.3.

(14) The member's employing authority must, before 1 October 2025, send a notice to the member of their right to make an election under paragraph (13), which must specify the amount of contributions the member and the member's employing authority will be required to pay, and the amount of pensionable pay and pensionable service the member will be entitled to in respect of those contributions, if the member makes an election under paragraph (13).

(15) An election under paragraph (13) must be—

- (a) made—
 - (i) by the member in writing in such form and including such information as the member's employing authority requires;
 - (ii) in respect of all relevant payments received by the member.
- (b) received by the member's employing authority before—
 - (i) the end of the period of three months beginning with the day on which the member is provided with the notice under paragraph (14); or
 - (ii) such later date before 1 April 2026 as the member's employing authority considers reasonable in all the circumstances of the case.

(16) For the purposes of this regulation, a relevant payment means so much of a payment of salary, wages, fees or other regular payment made to a member by the employing authority—

- (a) in respect of work undertaken by the member during a scheme year falling within the period of the member's remediable service that was in excess of the member's part-time work;
- (b) that was treated by the member's employing authority as a payment for overtime for the purposes of regulation 27 of the 2015 Regulations; and
- (c) that was not made by the member's employing authority in respect of any period of time worked by the member that was in excess of whole-time, according to the terms of the member's employment contract.

(17) Where a member has made an election under paragraph (13), that member will be treated as if they had made an election under regulation 27A(2) of the 2015 Scheme (election for relevant payments to be included as pensionable).

(18) If a member does not make an election under paragraph (13), all relevant payments made to that member will be treated as payments for overtime for the purposes of this regulation."

Amendment of regulation 2.A.9

8. In regulation 2.A.9 (pensionable pay: breaks in service), in paragraph 4(b) for "(e)" substitute "(f)".

Amendment of regulation 2.B.1

9. In regulation 2.B.1 (eligibility: general)(a), in paragraph (3)(a)(i), omit “on or”.

Amendment of regulation 2.E.21

10. In regulation 2.E.21 (payment of lump sums or pensions on death)(b) , in paragraph (7), for “regulation 2.J.7(2)” substitute “regulation 2.J.7(4)”.

Amendment of regulation 3.A.4

11.—(1) Regulation 3.A.4 (pensionable service: breaks in service) (c)is amended as follows.

(2) In paragraph (3), for “(e)” substitute “(f)”.

(3) In paragraph (3A), for “(e)” substitute “(f)”.

Amendment of regulation 3.A.5

12. In regulation 3.A.5(1) (meaning of "qualifying service"), omit sub-paragraph (h) and after sub-paragraph (g), insert—

“(h) in the case of a person who—

(i) ceased to be an active member of the 1995 Section on leaving NHS employment,

(ii) became a deferred member of that Section on leaving that employment and has not since become a pensioner member of that Section between the date of leaving that employment and joining this Section of the Scheme, and

(iii) became an active member of this Section of the Scheme between 1st October 2008 and 31 March 2015 and 5 or more years since last leaving NHS employment,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.

(i) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) or (1A) of regulation B4 of the 1995 Regulations (opting out of the Scheme);

(ii) as a result of that notice was treated as ceasing to be an active member of that Section;

(iii) pursuant to that notice remains opted-out of that Section for 5 years or more; and

(iv) became an active member of this Section of the Scheme between 1st October 2008 and 31 March 2015,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.

(j) in the case of a person who—

(i) was a deferred member of the 1995 Section who gave notice for the purposes of paragraph (1) or (1A) of regulation B4 of the 1995

(a) Paragraph (3) of regulation 2.B.1 was substituted by S.I. 2015/95.

(b) Regulation 2.E.21 was amended by S.I. SI 2008/2263.

(c) Regulation 3.A.4 was amended by S.I. 2008/2263 and 2009/2446.

Regulations (opting out of the Scheme) and following that notice, ceased to be an active member of that Section for any one period of five or more years comprising the aggregate of—

- (a) any period during which the person left NHS employment, and
- (b) any period during which the person was treated as never having been an active member of that Section in accordance with paragraph (3) of regulation B4 of those Regulations in respect of one or more later periods of NHS employment entered into after having given the notice for the purposes of paragraph (1) or (1A) of that regulation; and

(ii) became an active member of this Section of the Scheme between 1st October 2008 and 31 March 2015,

a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.”.

Amendment of regulation 3.A.8

13. In regulation 3.A.8 (pensionable earnings – breaks in service), in paragraph (4)(b) for “(e)” substitute “(f)”.

Amendment of regulation 3.B.1

14. In regulation 3.B.1 (eligibility: general)(a), in paragraph (3)(a)(i), omit “on or”.

Amendment of regulation 3.E.21

15. In regulation 3.E.21 (payment of lump sums or pensions on death) (b), in paragraph (7), for “regulation 3.J.7(2)” substitute “regulation 3.J.7(4)”.

PART 4

Amendments to the National Health Service Pension Scheme Regulations 2015

General

16. The National Health Service Pension Scheme Regulations 2015(c) are amended in accordance with this Part.

Amendment of regulation 21

17.—(1) Regulation 21 (absence from work)(d) is amended as follows.

(2) After paragraph 1(e), omit “or”.

(3) After paragraph 1(f), insert—

“; or

(g) neonatal care leave”.

(a) Paragraph (3) of regulation 3.B.1 was substituted by S.I. 2015/95.

(b) Regulation 3.E.21 was amended by S.I. 2008/2263.

(c) S.I. 2015/94.

(d) Regulation 21 was amended by S.I. 2020/354 and 2024/281.

New regulation 27A

18. After regulation 27 (pensionable earnings), insert—

“Regulation 27A Pensionable earnings: scheme years 2015/16 to 2023/24

27A.—(1) Paragraphs (2) and (3) apply to a member (M) if, during the scheme years 2015/16 to 2023/24—

- (a) the terms of M’s employment contract required M to work less than whole-time, according to those terms, for any period of time (“the member’s part-time work”); and
- (b) M received a relevant payment.

(2) M may elect for all relevant payments to be included as pensionable earnings for the purposes of regulation 27.

(3) M’s employing authority must, before 1 October 2025, send a notice to M of their right to make an election under paragraph (2), which must specify the amount of contributions M and M’s employing authority will be required to pay, and the amount of pensionable earnings M will be entitled to in respect of those contributions, if M makes an election under paragraph (2).

(4) An election under paragraph (2) must be—

- (a) made—
 - (i) by M in writing in such form and including such information as M’s employing authority requires; and
 - (ii) in respect of all relevant payments received by M.
- (b) received by M’s employing authority before—
 - (i) the end of the period of three months beginning with the day on which M is provided with the notice under paragraph (3); or
 - (ii) such later date before 1 April 2026 as M’s employing authority considers reasonable in all the circumstances of the case.

(5) For the purposes of this regulation, a relevant payment means so much of a payment of salary, wages, fees or other regular payment made to M by the employing authority—

- (a) in respect of work undertaken by M during the scheme years 2015/16 to 2023/24 that was in excess of M’s part-time work;
- (b) that was treated by M’s employing authority as a payment for overtime for the purposes of regulation 27; and
- (c) that was not made by M’s employing authority in respect of any period of time worked by M that was in excess of whole-time, according to the terms of M’s employment contract.

(6) Where M elects has made an election under paragraph (2) of this regulation, that election is to be treated as also being an election pursuant to whichever of the following regulations may apply to the member—

- (a) paragraph (14) of regulation C1 of the 1995 Regulations (meaning of “pensionable pay” and “final year’s pensionable pay”); or
- (b) paragraph (13) of regulation 2.A.8 of the 2008 Regulations (meaning of “pensionable pay”).”.

Amendment of regulation 28

19.—(1) Regulation 28 (pensionable earnings: break in service)(a) is amended as follows.

(2) After paragraph (2)(e), omit “or”.

(3) After paragraph (2)(f), insert—

“; or

(g) neonatal care leave.”.

(4) In paragraph (6)(b), for “(f)” substitute “(g)”.

(5) After paragraph (6)(b), insert—

“;

(c) for any period while M is within paragraph (2)(b) to (g) and M's earnings are immediately reduced to zero”.

(6) After paragraph (7)(b), insert—

“(7A) For the purposes of paragraph (6)(c)—

(a) pay received by a woman on maternity leave in respect of days during which she returns to work for the purpose of keeping in touch with the workplace must be ignored;

(b) earnings reduced to zero are treated as if they were the amount equal to the rate of M's pensionable earnings immediately before the period of absence.”.

(7) In paragraph (10)(b)—

(a) for “(f)” substitute “(g)”;

(b) after “(6)(b)” insert “or (c)”.

(8) In paragraph (10)(c), after “(7)” insert “and (7A)”.

Amendment of regulation 38

20. In regulation 38 (members' contributions: supplementary: medical practitioners and non-GP providers), in paragraph (3)(b), for “additional” substitute “reduced”.

Amendment of regulation 39

21. In regulation 39 (members' contributions: supplementary: dental practitioners), in paragraph (3)(b), for “additional” substitute “reduced”.

Amendment of regulation 60

22. In regulation 60(5) (determination of contribution payable) substitute—

“(5) An amendment under paragraph (4)(b) must not affect the contributions payable during that year under any option, except an option under which contributions begin to be paid after the date on which the amendment takes effect.”.

Amendment of regulation 68

23. In regulation 68 (effect of being absent or leaving and rejoining scheme during contributions payment period)(b), after paragraph (1)(ea)—

(a) Regulation 28 was amended by S.I. 2020/354 and 2024/281.

(b) Regulation 68 was amended by S.I. 2024/281 and 2020/354.

- (a) omit “or”;
- (b) insert—
 - “(eb) is on neonatal care leave; or”.

Amendment of Schedule 10

24. In Schedule 10 (practitioner income)(a), in sub-paragraph (2) of paragraph 3 (dental practitioner), after “carer’s leave,” in both places it occurs, insert “neonatal care leave,”.

Amendment of Schedule 11

25.—(1) Schedule 11 (determination of pensionable earnings: setting contribution rates)(b) is amended as follows.

(2) In sub-paragraph (6)(b) of paragraph 2 (continuous employment spanning two scheme years), for “additional” substitute “amounts equal to reduced”.

(3) In sub-paragraph (5) of paragraph 2A (members who do not fall within any of the cases in paragraph 2), for “additional” substitute “amounts equal to reduced”.

(4) In sub-paragraph (5) of paragraph 3 (change to employment or rate of pensionable earnings or allowances), in the definition of EPE after “current scheme year” insert “(including amounts equal to reduced pensionable earnings that the member is treated as having received during an absence from work (see regulation 28))”.

Amendment of Schedule 12

26.—(1) Schedule 12 (practitioner contribution payments) (c) is amended as follows.

(2) In paragraph 1 (medical practitioners and non-GP providers), at the end, insert—

“(4) Where the certificate provided in accordance with sub-paragraphs (2) and (3) is based on provisional figures included in the return M made to HMRC, M must provide a revised certificate including final figures before the end of the period of one month starting on the date when the revised return containing final figures was required to be submitted to HMRC.

(5) In sub-paragraph (4), “provisional figure” means a figure which is intended to be updated when the accurate figure is available.”.

(3) In paragraph 2 (medical practitioners not members of a practice), at the end, insert—

“(4) Where the certificate provided in accordance with sub-paragraphs (2) and (3) is based on provisional figures included in the return M made to HMRC, M must provide a revised certificate including final figures before the end of the period of one month starting on the date when the revised return containing final figures was required to be submitted to HMRC.

(5) In sub-paragraph (4), “provisional figure” means a figure which is intended to be updated when the accurate figure is available.”.

(4) In sub-paragraphs (4)(c) and (5)(e) of paragraph 3 (dentists), after “carer’s leave payments,” insert “neonatal care leave payments,”.

(a) Schedule 10 was amended by S.I. 2016/245, 2020/354, 2023/1071 and 2024/281.

(b) Schedule 11 was amended by S.I. 2022/273.

(c) Schedule 12 was amended by S.I. 2016/245, 2020/354 and 2024/281

Amendment of Schedule 14

27. In Schedule 14 (lump sum on death), in sub-paragraph (7) of paragraph 9 (payment of lump sums on death), for “paragraph 12 of Schedule 3” substitute “paragraph 12(4) of Schedule 3”.

Amendment of Schedule 15

28.—(1) Schedule 15 (definitions) is amended as follows.

(2) For the entry in Column 2 corresponding to the expression “overtime”, substitute—

“any period of time worked during the period beginning 1 April 2015 and ending on 31 March 2024 that is in excess of—

- (a) whole-time, according to the terms of the member’s employment contract; or
- (b) if regulation 27A applies to the member, but the member does not make an election under paragraph (2) of that regulation, the lesser of—
 - (i) the period of time for which the member was contracted to work in the ordinary course of events; or
 - (ii) such a period of time as the scheme manager determines a person engaged in similar employment would reasonably be contracted to work in the ordinary course of events.

any period of time worked on or after 1 April 2024 that is in excess of—

- (a) whole-time, according to the terms of the member’s employment contract; or
- (b) the terms of the member’s employment contract, during the period of 12 months following an election for partial retirement made under regulation 84.”.

(3) At the appropriate place in Column 1 insert “neonatal care leave” and for the corresponding entry in Column 2 insert “leave under section 80EF of the Employment Rights Act 1996”.

PART 5

Amendment to the National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015

General

29. The National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015(a) are amended in accordance with this Part.

New regulation 39A

30. After regulation 39 (abatement : special classes) insert—

“Entitlement to additional retirement benefits

39A—(1) This regulation applies to or in respect of a member of the old scheme (M) who—

(a) S.I. 2015/95.

- (a) became an active member of the 2008 Section pursuant to regulation 2.B.4 or 3.B.4 of the 2008 Regulations(a)(joining this Section of the Scheme) for the first time on 1st April 2012; and
- (b) was born on or before 31st August 1960.

(2) Where, on the coming into force of regulations [9] and [14] of the National Health Service Pension Schemes (Amendment) Regulations 2025(b)(amendment of regulations 2.B.1 and 3.B.1 of the 2008 Regulations (eligibility: general))—

- (a) the aggregate of the benefits that have been paid or would have become payable (but for the application of regulation [9] or [14]) under the 2008 Section to any person (“the beneficiary”) in respect of, or associated with M’s pensionable service between 1st April 2015 and 31st March 2022 (those dates included) exceeds
- (b) the aggregate of the benefits to which the beneficiary is entitled or becomes entitled under the new scheme in respect of, or associated with M’s pensionable service between those dates,

the scheme manager(c)of the new scheme must pay an amount equal to the difference to the beneficiary or if the beneficiary is deceased, that beneficiary’s personal representatives.”

PART 6

Amendment to the National Health Service Pension Schemes (Amendment) Regulations 2023

General

31. The National Health Service Pension Schemes (Amendment) Regulations 2023 (d) are amended in accordance with this Part.

Amendment of regulation 24

32. In regulation 24 (application and expiry of modifications in this Part)(e), for “2025” substitute “2026”.

Amendment of regulation 26

33.—(1) Regulation 26 (modification of regulation 38) is amended as follows.

(2) In sub-paragraph (c)(iii)—

- (a) in paragraph (aa), for “each relevant period of the scheme year 2022/23” substitute “the period 1st April 2022 to 30th September 2022”;
- (b) in paragraph (bb), at the beginning, after “,” insert—
 - “(c) any reduced pensionable earnings M is treated as having received for the period 1st October 2022 to 31st March 2023 during an absence from work in accordance with regulation 28,”.

(3) In paragraph (d), in sub-paragraph (b) of new paragraph (3A)—

(a) S.I. 2008/653. Regulations 2.B.1 and 3.B.1. were amended by S.I. 2009/2446, 2013/413.
(b) S.I. 2025/xxx
(c) For the meaning of “scheme manager”, see regulation 3 of the 2015 Regulations.
(d) S.I. 2023/301.
(e) Regulation 24 was substituted by S.I. 2024/281.

- (a) for “each relevant period of the scheme year 2022/23” substitute “the period 1st April 2022 to 30th September 2022”;
- (b) after “regulation 28,” insert—
 - “(c) any reduced pensionable earnings M is treated as having received for the period 1st October 2022 to 31 March 2023 during an absence from work in accordance with regulation 28.”.

Amendment of regulation 27

- 34.**—(1) Regulation 27 (modification of regulation 39) is amended as follows.
- (2) In sub-paragraph (c)(iii)—
 - (a) in paragraph (aa), for “each relevant period of the scheme year 2022/23” substitute “the period 1st April 2022 to 30th September 2022”;
 - (b) in paragraph (bb), at the beginning, after “,” insert—
 - “(c) any reduced pensionable earnings M is treated as having received for the period 1st October 2022 to 31st March 2023 during an absence from work in accordance with regulation 28.”.
 - (3) In paragraph (d), in sub-paragraph (b) of new paragraph (3A)—
 - (a) for “each relevant period of the scheme year 2022/23” substitute “the period 1st April 2022 to 30th September 2022”;
 - (b) after “regulation 28,” insert—
 - “(c) any reduced pensionable earnings M is treated as having received for the period 1st October 2022 to 31 March 2023 during an absence from work in accordance with regulation 28.”.

PART 7

Amendment to the National Health Service Pension Schemes (Remediable Service) Regulations 2023

General

35. The National Health Service Pension Schemes (Remediable Service) Regulations 2023(a) are amended in accordance with this Part.

Amendment of regulation 12

- 36.**—(1) Regulation 12 (election for 2015 scheme benefits: deferred choice members and deceased members) is amended as follows.
- (2) In paragraph (4), at the beginning, for “Where” substitute “Subject to paragraphs (4A) and (4B), where”.
 - (3) After paragraph (4), insert—
 - “(4A) A deferred choice election made by a deferred choice member or a designated person in the circumstances described in paragraph (2)(b)(iii) may be revoked by that person—

(a) S.I. 2023/985.

- (a) at any time before the cancellation deadline, and
- (b) by notice in writing and in such form and including such further information as the scheme manager requires.

(4B) Where the scheme manager receives, before the cancellation deadline, notice that a deferred choice member has died—

- (a) any deferred choice election made by a deferred choice member or a designated person in the circumstances described in paragraph (2)(b)(iii) lapses, and
- (b) any deferred choice election period that has begun (whether or not it has also ended) is to be treated as if it had never begun (or ended) and accordingly, a new deferred choice election period may begin (see paragraph (8) and regulation 2(1)).

(4C) In paragraphs (4A) and (4B), the “cancellation deadline” means—

- (a) the beginning of the day two weeks before the day (“the payment day”) on which the first payment of benefits in respect of the deferred choice member’s remediable service is due to be made, or
- (b) such later time before the payment day as the scheme manager considers reasonable in all the circumstances of the case.”.

Draft