
STATUTORY INSTRUMENTS

1995 No. 300

The National Health Service Pension Scheme Regulations 1995

PART A

Preliminary

Citation and commencement

A1.—(1) These Regulations may be cited as the National Health Service Pension Scheme Regulations 1995.

(2) These Regulations come into force on 6th March 1995.

Interpretation

A2. In these Regulations—

“the previous regulations” means the National Health Service (Superannuation) Regulations 1980(1);

“buy-out policy” means a policy of insurance or annuity contract that is appropriate for the purposes of section 19 of the Pension Schemes Act 1993(2) (extinguishment of liability of scheme for pensions secured by insurance policies or annuity contracts) and satisfies any requirements of the Inland Revenue and “buy out” shall be construed accordingly;

“cash equivalent” is to be construed in accordance with Chapter IV of Part IV of the Pension Schemes Act 1993;

“contracting-out requirements” means the requirements mentioned in section 9(2) of the Pension Schemes Act 1993;

“dependent child” is to be construed in accordance with regulation H1;

“employing authority” means—

- (a) a health authority within the meaning of section 128 of the National Health Service Act 1977(3),
- (b) a Family Health Services Authority established by the Secretary of State pursuant to section 10 of the National Health Service Act 1977(4),
- (c) a National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990(5), and

(1) S.I. 1980/362 as amended by S.I. 1981/1205, 1982/288, 1765, 1985/39, 1987/2218, 1989/804, 1991/584.

(2) 1993 c. 48. See also section 81 of that Act.

(3) 1977 c. 49. The definition of “health authority” was inserted into section 128 by section 5(4) of, and Schedule 3 paragraph 11 to, the Health and Social Services Act 1984 c. 48.

(4) 1977 c. 49. Section 10 was amended by section 5 of the Health and Social Security Act 1984 (c. 48). See also section 2 of the National Health Service and Community Care Act 1990 (c. 19).

(5) 1990 c. 19.

(d) any other body that is constituted under an Act relating to health services and which the Secretary of State agrees to treat as an employing authority for the purposes of the scheme;

“final year’s pensionable pay” has the meaning given in regulation C1(6);

“guaranteed minimum pension” means guaranteed minimum pension, or accrued rights to guaranteed minimum pension, under section 14 of the Pension Schemes Act 1993;

“health service scheme” has the meaning given in regulation R8(1);

“member”, except where the context otherwise requires, means a person who is in pensionable service under the scheme or a person who has been in such service and in respect of whom benefits under the scheme are, or will become, payable;

“mental health officer” has the meaning given in regulation R3(14);

“NHS employment” means employment with an employing authority;

“occupational pension scheme” means an occupational pension scheme within the meaning of section 1 of the Pension Schemes Act 1993 which is—

(a) approved by the Inland Revenue for the purposes of Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988(6) (retirement benefits schemes) or whose application for approval under that Chapter is under consideration,

(b) a statutory scheme as defined in section 612(1) of the Income and Corporation Taxes Act 1988 (interpretation), or

(c) a scheme to which section 608 of the Income and Corporation Taxes Act 1988 applies (superannuation funds approved before 6th April 1980);

“officer” means a person employed by an employing authority;

“opting-out” and related expressions are to be construed in accordance with regulation B4;

“pay period” means, in the case of an officer, the period in respect of which each payment of salary or wages is made in accordance with the officer’s contract of employment and, in the case of a practitioner, any period of three months ending on the last day of March, June, September or December;

“pensionable employment” means NHS employment in respect of which the member contributes to the scheme;

“pensionable pay” has the meaning given in regulation C1;

“pensionable service” has the meaning given in regulation C2;

“personal pension scheme” means a personal pension scheme within the meaning of Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988 (personal pension schemes) which is approved by the Inland Revenue for the purposes of that Chapter;

“practitioner” means a medical or dental practitioner, other than a trainee practitioner or a person who is paid by an employing authority wholly by way of salary;

“preservation requirements” means the requirements of Chapter I of Part IV of the Pension Schemes Act 1993 relating to the preservation of benefits under occupational pension schemes;

“Public Sector Transfer Arrangements” means the arrangements applying to certain public sector and other schemes under which a common basis for transfer payments is applied by the scheme and those other participating schemes;

“quarter” means a 3 month period ending on the last day of March, June, September or December;

“qualifying service” has the meaning given in regulation C3;

“relevant daily proportion” means 1/365th of the amount that would apply in respect of one year;

“remuneration” is defined, for the purposes of Tables 1 and 2 of Schedule 1, in regulations Q4(4) and (5) (paying for additional service by single payment) and Q5(4) and (5) (paying for unreduced retirement lump sum by single payment);

“scheme”, except where the context otherwise requires, means the National Health Service Pension Scheme for England and Wales, the rules of which are set out in these Regulations;

“special class officer” means a member to whom regulation R2 (special provision for certain nurses, physiotherapists, midwives and health visitors) applies or to whom regulation R3 (special provision for certain mental health officers) applies;

“specialist” means a consultant, senior hospital medical officer or senior hospital dental officer;

“State pension age” means age 65 for a man and age 60 for a woman;

“temporary additional session” has the meaning given in regulation R7(3) and (4);

“trainee practitioner” means a person who is being trained in general practice as a trainee general practitioner under arrangements made by the Secretary of State.