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STATUTORY INSTRUMENTS

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**2010 No. 1634**

**The National Health Service Pension  
Scheme (Amendment) Regulations 2010**

**PART 2**

**Amendment of the National Health Service Pension Scheme Regulations 1995**

**Part 2: General**

2. The National Health Service Pension Scheme Regulations 1995<sup>(1)</sup> are amended in accordance with this Part.

**Amendment of regulation D1**

3.—(1) Regulation D1 (contributions by members) is amended as follows.

(2) For paragraph (1A), substitute—

“(1A) A member whose pensionable pay falls into a pay band specified in column 1 of the relevant table must contribute the percentage of the member’s pensionable pay specified in column 2 of that table in respect of that amount.”.

(3) For paragraph (2), substitute—

“(2) The Secretary of State shall, with the consent of the Treasury, determine the pensionable pay bands and contribution percentage rates specified in the relevant table in respect of each scheme year.”.

(4) In paragraph (2A), for “making a determination” substitute “determining those pensionable pay bands or contribution percentage rates”.

(5) After paragraph (2B)(b), add—

“(c) “the relevant table” means—

(i) in respect of the 2010-2011 scheme year, table 1 where paragraph (2C) applies and table 2 if paragraph (2Q), (2R) or (2V) applies;

(ii) in respect of the 2011-2012 scheme year, table 2.

**Table 1**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable Pay band</i>	<i>Contribution percentage rate</i>
Up to £20,709	5%

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<sup>(1)</sup> S.I. 1995/300, as amended by S.I. 1997/80 and 1888, 1998/666 and 2216, 2000/605, 2001/1428 and 3649, 2002/561 and 2469, 2003/631 and 2322, 2004/665 and 696, 2005/661 and 3074, 2006/600 and 2919, 2007/2054 and 3280, 2008/654 and 2263, 2009/381, 1298 and 2446 and 2010/492. The Regulations were also modified by S.I. 1996/971.

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*Status: This is the original version (as it was originally made).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

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<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable Pay band</i>	<i>Contribution percentage rate</i>
£20,710 to £68,392	6.5%
£68,393 to £107,846	7.5%
£107,847 to any higher amount	8.5%

**Table 2**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable Pay band</i>	<i>Contribution percentage rate</i>
Up to £21,175	5%
£21,176 to £69,931	6.5%
£69,932 to £110,273	7.5%
£110,274 to any higher amount	8.5%.”

(6) In paragraphs (2E) to (2R) and (2V), for “the table in paragraph (1A)” substitute “the relevant table in paragraph (2B)”.

#### **Amendment of regulation D2**

4. For paragraphs (1) and (2) of regulation D2 (contributions by employing authorities), substitute—

“(1) Each employing authority must contribute to the scheme, in respect of the pensionable pay of each member in pensionable employment with the authority, at the rate determined by the Secretary of State and specified in paragraph (2) (“the employer’s standard rate”).

(1A) The employer’s standard rate shall include the cost of providing any increases in pensions which are payable by virtue of Part 1 of the Pensions (Increase) Act 1971(2).

(1B) In determining the employer’s standard rate, the Secretary of State must take the advice of the Scheme Actuary and obtain the Treasury’s consent.

(2) The employer’s standard rate is 14 per cent.”.

#### **Amendment of Part K**

5.—(1) Part K (contracting-out) is amended as follows.

(2) After paragraph (3)(c) of regulation K1 (contracting-out conditions to be overriding), add—

“(ca) “guaranteed minimum pension age” means age 65 in the case of a man or age 60 in the case of a woman;”.

(3) For “State pension age” substitute “guaranteed minimum pension age”, in—

(a) paragraphs (2) and (7)(a) of regulation K2 (guaranteed minimum pensions),

(b) regulation K3 (late retirement),

(c) paragraph (1) of regulation K4 (early leavers) (three times),

(d) paragraphs (1), (2) and (3) of regulation K5 (guaranteed minimum pensions transferred to this Section of the scheme).

### Amendment of regulation U3

6.—(1) Regulation U3 (accounts and actuarial reports) is amended as follows.

(2) In paragraph (3), for “The Scheme Actuary” substitute “Subject to paragraph (3A), the Scheme Actuary”.

(3) After paragraph (3), add—

“(3A) The actuarial report referred to in paragraph (3) shall be based on actuarial assumptions determined by the Secretary of State following the consent of the Treasury.

(3B) Before determining the assumptions referred to in paragraph (3A) the Secretary of State may consult—

- (a) such representatives of employees and employing authorities as appear to the Secretary of State to be appropriate, and
- (b) the Scheme Actuary.”.

### Amendment of Schedule 2

7.—(1) Paragraph 10 (contributions to this Section of the scheme) of Schedule 2 (medical and dental practitioners) is amended as follows.

(2) After sub-paragraph (1), add—

“(1A) For the purposes of this paragraph, “the relevant table” means—

- (a) in respect of the 2009-2010 scheme year, table 1;
- (b) in respect of the 2010-2011 and any later scheme year, table 2.

**Table 1: Scheme Year 2009-2010**

<i>Column 1</i> <i>Pensionable earnings band</i>	<i>Column 2</i> <i>Contribution percentage rate</i>
Up to £20,709	5%
£20,710 to £68,392	6.5%
£68,393 to £107,846	7.5%
£107,847 to any higher amount	8.5%

**Table 2: Scheme Year 2010-2011**

<i>Column 1</i> <i>Pensionable earnings band</i>	<i>Column 2</i> <i>Contribution percentage rate</i>
Up to £21,175	5%
£21,176 to £69,931	6.5%
£69,932 to £110,273	7.5%
£110,274 to any higher amount	8.5%.”

(3) For sub-paragraph (2) to (2B), substitute—

“(2) Subject to sub-paragraph (2A), a member whose pensionable earnings fall into a pensionable earnings band specified in column 1 of the relevant table must contribute the percentage of the member’s pensionable earnings specified in column 2 of that table in respect of that amount.

(2A) The Secretary of State shall, with the consent of the Treasury, determine the pensionable earnings bands and contribution percentage rates specified in the relevant table in respect of each scheme year.

(2B) Before determining those pensionable earnings bands or contribution percentage rates, the Secretary of State must consider—

- (a) the advice of the Scheme Actuary, and
- (b) in accordance with regulation U4 (cost sharing), advice from such employee and employer representatives as the Secretary of State considers appropriate.”.

(4) In sub-paragraphs (2H), (2I), (2K) and (2L), for “the table in sub-paragraph (2)” substitute “the relevant table in sub-paragraph (1A)”.

(5) For sub-paragraph (18), substitute—

“(18) For the purposes of this paragraph—

- (a) “D1 contributions” means contributions payable under regulation D1 by a practitioner or, as the case may be, a non-GP provider under this Section of the scheme;
- (b) “D2(1) contributions” means contributions payable under regulation D2(1) by an employing authority in respect of a practitioner or, as the case may be, a non-GP provider.”.