
STATUTORY INSTRUMENTS

2017 No. 275

The National Health Service Pension Scheme and Additional Voluntary Contributions (Amendment) Regulations 2017

PART 5

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

General

50. The National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015(1) are amended in accordance with this Part.

Amendment of regulation 18

51.—(1) Regulation 18 (uprating of old scheme practitioner earnings) is amended as follows.

(2) Regulation 18 is renumbered “Regulation 18(1)”.

(3) For “In relation to” substitute—

“Subject to paragraphs (2) and (3), in relation to”.

(4) After newly-renumbered paragraph (1), insert—

“(2) Paragraph (3) applies if a practitioner transition member is purchasing additional service pursuant to regulation 22 (existing additional service and unreduced lump sum contracts) of these Regulations.

(3) Paragraph (1) does not apply for the purposes of calculating that member’s uprated pensionable earnings in relation to that purchase for the purposes of sub-paragraph (5) of paragraph 20 of Schedule 2 to the 1995 Regulations.”.

Amendment of regulation 28

52. After paragraph (6) of regulation 28 (ill-health benefits: members below old scheme normal pension age), insert—

“(6A) Paragraphs (6B) and (6C) apply if a member receiving an ill-health pension under this regulation dies before reaching the old scheme normal pension age.

(6B) If a surviving adult dependant of the member is entitled to a pension in accordance with regulation 116 (amount of pension: survivor of pensioner member) of the 2015 Regulations the annual rate of the adult survivor pension payable under paragraph (4)(a) of that regulation is the sum of—

(a) 33.75% of the pension to which the member was entitled at the date of death (disregarding any additional pension) under the new scheme; and

- (b) if the member—
 - (i) was an active member of the 1995 Section before becoming an active member of the new scheme, 16.25% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation; or
 - (ii) was an active member of the 2008 Section before becoming an active member of the new scheme, 3.75% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation.

(6C) If a child's pension becomes payable in respect of an eligible child of the member in accordance with regulation 124 (amount of child pension: deceased pensioner member) of the 2015 Regulations the basic death pension for the purposes of paragraph (3)(a) of that regulation is the sum of—

- (a) 67.5% of the deceased member's annual pension (disregarding any additional pension) under the new scheme; and
- (b) if the member—
 - (i) was an active member of the 1995 Section before becoming an active member of the new scheme, 32.5% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation; or
 - (ii) was an active member of the 2008 Section before becoming an active member of the new scheme, 7.5% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation.”.

Amendment of regulation 40

53. In the left hand column of Part 2 of the table in paragraph (i) (entitlements derived from the 2008 section) of regulation 40 (death in service), for “2.E.17 or 3.E.17” substitute “2.E.17(1) or 3.E.17(1)”.