

**2017 No. 275**

**NATIONAL HEALTH SERVICE, ENGLAND AND  
WALES**

**PUBLIC SERVICE PENSIONS, ENGLAND AND WALES**

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

<i>Made</i> - - - -	<i>6th March 2017</i>
<i>Laid before Parliament</i>	<i>8th March 2017</i>
<i>Coming into force</i> - -	<i>1st April 2017</i>

The Secretary of State for Health, with the consent of the Treasury, makes the following Regulations in exercise of the powers conferred by sections 10(1) and (2) and 12(1), (2) and (4) of, and Schedule 3 to, the Superannuation Act 1972(a) and sections 1, 3 and 25 of, and Schedule 3 to, the Public Service Pensions Act 2013(b).

In accordance with section 10(4) of the Superannuation Act 1972 and section 21 of the Public Service Pensions Act 2013, the Secretary of State has consulted with such representatives of persons likely to be affected by these Regulations, as appeared to the Secretary of State to be appropriate.

**PART 1**

**Introductory**

**Citation, commencement and effect**

**1.**—(1) These Regulations may be cited as the National Health Service Pension Scheme and Additional Voluntary Contributions (Amendment) Regulations 2017.

(2) These Regulations come into force on 1st April 2017 and have effect—

- (a) in respect of regulations 33, 36(2), 37(2), 38, 46, 48, 51 and 52 retrospectively from the 1st April 2015;

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(a) 1972 c.11. Section 10(1) was amended by sections 57 and 58 of, and Schedule 5 to, the National Health Service Reorganisation Act 1973 (c. 32) and section 4(2) of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) (“the 1990 Act”). Section 12(2) was amended by section 10(1) of the 1990 Act. As to Treasury consent, see section 10(1) of the Superannuation Act 1972, article 2 of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670) and section 3(5) of the Public Service Pensions Act 2013.

(b) 2013 c.25.

- (b) in respect of regulation 4(3) and (4) retrospectively from 1st April 2016;
- (c) in all other respects, from the 1st April 2017.

## PART 2

### Amendment of 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 A2

- 3.—(1) Regulation A2 (interpretation) (b) is amended as follows.
- (2) In the definition of “NHS standard contract”(c)—
    - (a) for “standard commissioning contract”, substitute “terms and conditions”;
    - (b) before “2012”, insert “Regulations”.
  - (3) In the definition of “NHS standard sub-contract”(d), for “2015/16” substitute “2016/17”(e).
  - (4) In paragraph (c) of the definition of “practice staff”(f), after “NHS standard sub-contract”, insert “where the party to the NHS standard contract in question is an employing authority”.
  - (5) In the definition of “qualifying contract”(g), after sub-paragraph (c), insert—
    - “; or
    - (d) an NHS standard sub-contract;”.
  - (6) At the appropriate place in the alphabetical order, insert—
    - ““scheme administration charge” means the charge provided for in regulation D4.”.

#### Amendment of regulation D3

- 4.—(1) Regulation D3 (further contributions by employing authorities in respect of excessive pay increases)(h) is amended as follows.
- (2) In sub-paragraph (c) of paragraph (13), for “administration charge” substitute “supplementary charge”.
  - (3) After paragraph (19), insert—
    - “(19A) An increase in a member’s pensionable pay solely due to an increase in the national minimum wage is to be ignored for the purposes of this regulation.”.
  - (4) In paragraph (21), after sub-paragraph (h) insert—

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(a) S.I. 1995/300 amended by S.I. 1997/646, S.I. 1998/667, S.I. 1998/2217, S.I. 2000/606, S.I. 2002/2469, S.I. 2003/631, S.I. 2004/665, S.I. 2004/696, S.I. 2004/865, S.I. 2004/1016, S.I. 2005/661 (with retrospective effect), S.I. 2005/3074, S.I. 2006/600, S.I. 2007/961, S.I. 2007/3280, S.I. 2008/655, S.I. 2008/2263 (partly with retrospective effect), S.I. 2009/381 (partly with retrospective effect), S.I. 2009/2446 (with retrospective effect), S.I. 2010/492, S.I. 2011/2586, S.I. 2012/610 (with retrospective effect), S.I. 2013/413 (partly with retrospective effect and fully as from 1st April 2013), S.I. 2014/78, S.I. 2015/96, S.I. 2015/1985, S.I. 2016/245 (and by S.I. 1996/971, S.I. 2005/2011 (as amended by S.I. 1995/866)); modified by S.I. 2005/3137.

(b) This regulation was last amended by S.I. 2016/245.

(c) This definition was inserted by regulation 3(c) of S.I. 2014/570.

(d) This definition was inserted by regulation 3(d) of S.I. 2014/245.

(e) Electronic copies of the guidance referred to in that definition can be obtained from [www.gov.uk/dh](http://www.gov.uk/dh). Hard copies may be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

(f) This definition was inserted by regulation 3(1) and (3) S.I. 1997/1888.

(g) This definition was inserted by regulation 3(c) of S.I. 2014/570.

(h) This regulation was inserted by regulation 8 of S.I. 2014/570.

“(i) “national minimum wage” means the single hourly rate prescribed by the Secretary of State pursuant to section 1(3) of the National Minimum Wage Act 1998”(a).

#### **New regulation D4**

5. After regulation D3 (further contributions by employing authorities in respect of excessive pay increases), insert—

##### **“Scheme Administration Charge**

**D4.**—(1) Each employing authority must, in respect of each member who is liable to contribute to this Section of the scheme, pay a scheme administration charge in accordance with this regulation.

(2) The scheme administration charge is to be paid to the Secretary of State on the same day, and in respect of the same period, as the employer’s standard rate contributions under regulation D2 are to be paid by that employing authority in respect of the member referred to in paragraph (1).

(3) The scheme administration charge is to be calculated as a percentage of that member’s pensionable pay, or as the case may be, pensionable earnings, for the period mentioned in paragraph (2).

(4) The percentage mentioned in paragraph (3) is to be determined by the Secretary of State taking into account the administrative costs of running the scheme and notified to each employing authority.

(5) For the purposes of paragraph (3), “pensionable earnings” has the meaning given in paragraph 1 of Schedule 2.”.

#### **Amendment of regulation M8**

6.—(1) Regulation M8 (member’s right to transfer a preserved pension to the 2015 Scheme)(b) is amended as follows.

(2) After paragraph (5), insert—

“(5A) The Secretary of State must provide a member to whom this regulation applies with a notice in writing stating that the member has the right to request a statement of the amount of the cash equivalent of the member’s benefits accrued in accordance with these Regulations (“a statement of entitlement”).

(5B) The Secretary of State must provide the member with the notice referred to in paragraph (5A) within the period of three months beginning with the date that the Secretary of State receives notification from the member’s employing authority that the member has joined the 2015 Scheme.

(5C) In accordance with paragraph (5D), a member who has received a notice in accordance with paragraph (5A) may request the Secretary of State to provide a statement of entitlement.

(5D) For the purposes of paragraph (5C), a request for a statement of entitlement must—

- (a) be made by the member in writing on the form provided by the Secretary of State for that purpose;
- (b) be received by the Secretary of State before the end of the three month period beginning with the date of the notice under paragraph (5A).”.

(3) For paragraph (6), substitute—

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(a) 1998 c.39. In section 1(3), “prescribed” is defined in section 55 of that Act.  
(b) This regulation was inserted by regulation 13 of S.I. 2015/96.

“(6) The Secretary of State must provide a member who has requested a statement of entitlement in accordance with paragraph (5D) with a statement of entitlement at the guarantee date.”.

(4) For sub-paragraph (a) of paragraph (9), substitute—

“(a) the period of three months beginning with the date that the Secretary of State receives the member’s request for a statement of entitlement in accordance with paragraph (5D); or”.

### **Amendment of regulation T9**

7.—(1) Regulation T9 (interest and administration charges: late paid contributions)(a) is amended as follows.

(2) In paragraph (1)—

(a) after “contributions” insert “and the scheme administration charge”;

(b) in sub-paragraph (a), after “D3,” insert “D4,”.

(3) In paragraph (2), after “contributions” (three times) insert “or, as the case may be, the scheme administration charge”.

(4) In paragraph (3), for “and an administration charge in respect of each such event” substitute “or, as the case may be, the amount of unpaid scheme administration charge or both together with a supplementary charge in respect of each such event.”.

(5) In paragraph (4)—

(a) in sub-paragraph (b), after “unpaid contributions” insert “or, as the case may be, unpaid scheme administration charge, or both”;

(b) in sub-paragraph (d), for “administration charge” substitute “supplementary charge”;

(c) in sub-paragraph (e), for “administration charges” substitute “supplementary charges”.

(6) In paragraph (5), for “administration charge” substitute “supplementary charge”.

(7) In paragraph (6), for “administration charges” substitute “supplementary charges”.

(8) In paragraph (8), for “administration charge” substitute “supplementary charge”.

### **Amendment of Schedule 2**

8. In sub-paragraph (17C) of paragraph 10 of Schedule 2 (medical and dental practitioners)(b), for “administration charge” substitute “scheme administration charge, and any supplementary charge”.

### **Amendment of Schedule 2B**

9.—(1) Schedule 2B (independent providers)(c) is amended as follows.

(2) For sub-paragraph (a)(ii) of paragraph 14, substitute—

“(ii) who is performing services pursuant to such a contract and who satisfies the wholly or mainly condition; and”.

(3) After sub-paragraph (a)(ii) of paragraph 14, insert—

“(iii) who was, within the twelve months preceding the date of entering into employment with the Independent Provider, in an employment in which that employee was entitled to participate in superannuation benefits provided under section 10 of the Superannuation Act 1972 whether or not that

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(a) This regulation was inserted by regulation 14 of S.I. 2014/570.

(b) This sub-paragraph was inserted by regulation 16(1) and (7)(g) of S.I. 2014/570.

(c) Schedule 2B was inserted by regulation 17 of S.I. 2014/570.

employee had actually been a member of this Section of the Scheme pursuant to that entitlement; or”.

(4) In paragraph 41—

(a) for “administration charge” substitute “supplementary charge”;

(b) for “an administration charge” substitute “a supplementary charge”.

(5) In paragraph 42, for “an administration” substitute “a supplementary”.

## PART 3

### Amendment of the National Health Service Pension Scheme Regulations 2008

#### General

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

#### Amendment of regulation 1.B.3

**11.** In paragraph (3B) of regulation 1.B.3 (provision of information relevant for tax purposes)(b), for “scheme administrator” substitute “Scheme administrator”.

#### Amendment of regulation 2.A.1

**12.—**(1) Regulation 2.A.1 (interpretation: general) is amended as follows.

(2) At the appropriate place in the alphabetical order, insert—

““the 2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014.(c);”

““scheme administration charge” means the charge provided for in regulation 2.C.6A.”

(3) In the definition of “NHS standard contract”(d)—

(a) for “standard commissioning contract”, substitute “terms and conditions”;

(b) before “2012”, insert “Regulations”.

(4) In the definition of “NHS standard sub-contract”(e), for “2015/16” substitute “2016/17”(f).

(5) In sub-paragraph (c) of the definition of “practice staff”, after “NHS standard sub-contract” insert “where the party to the NHS standard contract in question is an employing authority”.

(6) In the definition of “qualifying contract”(g), after sub-paragraph (c), insert—

“; or

(d) an NHS standard sub-contract;”.

(7) In sub-paragraph (b)(ii) of paragraph (2A)(h), for “administration charge” substitute “scheme administration charge under regulation 2.C.6A(i) and any supplementary charge”.

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(a) S.I. 2008/653 as amended by S.I. 2008/2263, S.I. 2009/381, S.I. 2009/1298, S.I. 2009/2446, S.I. 2010/234, S.I. 2010/492, S.I. 2010/1634, S.I. 2011/591, S.I. 2011/2586 (partly with retrospective effect), S.I. 2012/610 (partly with retrospective effect), S.I. 2013/413 (partly with retrospective effect), S.I. 2013/1414, S.I. 2014/78, S.I. 2014/570, S.I. 2014/1607, S.I. 2015/95, S.I. 2015/96, S.I. 2016/211, S.I. 2016/245 and by S.I. 2012/1909.

(b) This paragraph was inserted by regulations 17 and 18 of S.I. 2015/96.

(c) 2014 c.2.

(d) This definition was inserted by regulation 20(b)(ii) of S.I. 2014/570.

(e) This definition was inserted by regulations 20 and 21(e) of S.I. 2014/245.

(f) Electronic copies of the guidance referred to in that definition can be obtained from [www.gov.uk/dh](http://www.gov.uk/dh). Hard copies may be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

(g) This definition was inserted by regulation 20(b)(ii) of S.I. 2014/570.

(h) This paragraph was inserted by S.I. 2014/570.

(i) Regulation 2.C.6A is inserted by these Regulations.

### **Amendment of regulation 2.B.2**

- 13.**—(1) Regulation 2.B.2 (restrictions on eligibility: general) is amended as follows.
- (2) In sub-paragraph (b) of paragraph (1H)(a)—
    - (a) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”;
    - (b) for “that section” substitute “those sections”.
  - (3) In paragraph (1J)(b) in sub-paragraph (a), after “2013 Act” insert “or Schedule 5 to the 2014 Act”;
  - (4) In sub-paragraph (c), substitute—
    - (a) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”;
    - (b) for “that section” substitute “those sections”.
  - (5) In paragraphs (13C) and (13D)(c), for “(8B)” substitute “(13B)”.
  - (6) In paragraph (13F)(d), for “2M.3” substitute “2.M.3”.

### **Amendment of regulation 2.C.6**

- 14.**—(1) Regulation 2.C.6 (contributions by employing authorities: members becoming entitled to pensions under regulation 2.D.11) is amended as follows.
- (2) In paragraph (1), after “the employing authority must” insert “subject to paragraph (6),”.
  - (3) In paragraph (2), after “the first authority must” insert “, subject to paragraph (6),”.
  - (4) In sub-paragraph (a) of paragraph (6)(e), for “Actuary” substitute “actuary”.

### **New regulation 2.C.6A**

- 15.** After regulation 2.C.6 (contributions by employing authorities: members becoming entitled to pensions under regulation 2.D.11), insert—

#### **“2.C.6A Scheme administration charge**

- (1) Each employing authority must, in respect of each member who is liable to contribute to this Section of the Scheme, pay a scheme administration charge in accordance with this regulation.
- (2) The scheme administration charge is to be paid to the Secretary of State on the same day, and in respect of the same period, as the employer’s standard rate contributions under regulation 2.C.5 are to be paid by that employing authority in respect of the member referred to in paragraph (1).
- (3) The scheme administration charge is to be calculated as a percentage of that member’s pensionable pay, or as the case may be, pensionable earnings, for the period mentioned in paragraph (2).
- (4) The percentage mentioned in paragraph (3) is to be determined by the Secretary of State taking into account the administrative costs of running the scheme and notified to each employing authority.”.

### **Amendment of regulation 2.F.9**

- 16.**—(1) Regulation 2.F.9 (procedure for applications under regulation 2.F.8) is amended as follows.

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- (a) This paragraph was inserted by regulation 42 and paragraphs 9 and 11 (Part 2) of Schedule 2 to S.I. 2015/95.
  - (b) This paragraph was inserted by regulation 42 and paragraphs 9 and 11 (Part 2) of Schedule 2 to S.I. 2015/95.
  - (c) These paragraphs were inserted by regulation 23 of S.I. 2014/570.
  - (d) This paragraph was inserted by regulation 23 of S.I. 2014/570.
  - (e) This paragraph was inserted by regulation 27 of S.I. 2014/570.

(2) In sub-paragraph (c)(ii) of paragraph (1)(a), for “transfer value payment is made.” substitute “transfer value payment is made; or”.

(3) After sub-paragraph (c)(ii) of paragraph (1), insert—

“(iii) where the applicant is not eligible to be an active member of this Section of the Scheme and the application is made in respect of a period of service in an existing scheme (within the meaning of Schedule 5 to the 2013 Act or Schedule 5 to the 2014 Act) or an existing public body scheme listed in Schedule 10 to those Acts, during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of the 2015 Scheme if—

(aa) paragraph 2 of Schedule 7 to the 2013 Act or paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which that transfer value payment is made, and

(bb) the transfer value payment is not made and accepted under the public sector transfer arrangements.”.

### **Amendment of regulation 2.F.18**

**17.—**(1) Regulation 2.F.18 (right to transfer a deferred pension to the 2015 Scheme)(b) is amended as follows.

(2) After paragraph (5), insert—

“(5A) The Secretary of State must provide a member to whom this regulation applies with a notice in writing stating that the member has the right to request a statement of the amount of the cash equivalent of the member’s benefits accrued in accordance with these Regulations (“a statement of entitlement”).

(5B) The Secretary of State must provide the member with the notice referred to in paragraph (5A) within the period of three months beginning with the date that the Secretary of State receives notification from the member’s employing authority that the member has joined the 2015 Scheme.

(5C) A member who has received a notice in accordance with paragraph (5A) may request the Secretary of State to provide a statement of entitlement in accordance with paragraph (5D).

(5D) For the purposes of paragraph (5C), a request for a statement of entitlement must—

(a) be made by the member in writing on the form provided by the Secretary of State for that purpose;

(b) be received by the Secretary of State before the end of the three month period beginning with the date of the notice under paragraph (5A).”.

(3) For paragraph (6), substitute—

“(6) The Secretary of State must provide a member who has requested a statement of entitlement in accordance with paragraph (5D) with a statement of entitlement at the guarantee date.”.

(4) For sub-paragraph (a) of paragraph (9), substitute—

“(a) the period of three months beginning with the date that the Secretary of State receives the member’s request for a statement of entitlement in accordance with paragraph (5D); or”.

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(a) This paragraph was substituted by regulations 20 and 33 of S.I. 2016/245.

(b) This paragraph was inserted by regulations 17 and 34 of S.I. 2015/96.

### **Amendment of regulation 2.H.1**

**18.** In paragraph (4) of regulation 2.H.1 (application of Chapter 2.H)(a), for “paragraph (5)” substitute “paragraph (4A)”.

### **Amendment of regulation 2.J.9A**

**19.**—(1) Regulation 2.J.9A (interest and administration charges: late paid contributions)(b) is amended as follows.

(2) In paragraph (1)—

(a) after “contributions” insert “and the scheme administration charge”;

(b) after “2.C.6,” insert “2.C.6A,”(c).

(3) In paragraph (2), after “contributions” (three times) insert “or, as the case may be, the scheme administration charge”.

(4) In paragraph (3), for “an administration charge in respect of each such event” substitute “the amount of unpaid scheme administration charge or both together with a supplementary charge in respect of each such event”.

(5) In paragraph (4)—

(a) in sub-paragraph (b), after “unpaid contributions” insert “or unpaid scheme administration charge, or both;”;

(b) in sub-paragraphs (d) and (e), for “administration” substitute “supplementary”.

(6) In paragraph (5), for “administration charge” substitute “supplementary charge”.

(7) In paragraph (6), for “administration charges” substitute “supplementary charges”.

(8) In paragraph (8), for “administration charge” substitute “supplementary charge”.

### **Amendment of regulation 2.M.3**

**20.**—(1) Regulation 2.M.3 (approval applications)(d) is amended as follows.

(2) For sub-paragraph (a)(ii) of paragraph (2), substitute—

“(ii) who is performing services pursuant to such a contract and who satisfies the wholly or mainly condition, and”.

(3) After sub-paragraph (a)(ii) of paragraph (2), insert—

“(iii) who was, within the twelve months preceding the date of entering into employment with the Independent Provider, in an employment in which that employee was entitled to participate in superannuation benefits provided under section 10 of the Superannuation Act 1972 whether or not that employee had actually been a member of this Section of the Scheme pursuant to that entitlement; or”.

### **Amendment of regulation 2.M.6**

**21.**—(1) Regulation 2.M.6 (75% pensionable pay threshold and contribution surcharge)(e) is amended as follows.

(2) In paragraph (7)—

(a) for “administration charge” substitute “supplementary charge”;

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(a) This paragraph was last amended by regulations 11 and 103 and paragraph 1(a) of Schedule 2 to S.I. 2009/2446 and regulations 31(1) and (2) of S.I. 2014/570.

(b) This regulation was inserted by regulation 33 of S.I. 2014/570.

(c) Regulation 2.C.6A is inserted by these Regulations.

(d) Regulation 2.M.3 was inserted by regulation 35 of S.I. 2014/570.

(e) Regulation 2.M.6 was inserted by regulation 35 of S.I. 2014/570.

- (b) for “administration charges” substitute “ supplementary charges”.
- (3) In paragraph (8) for “an administration charge” substitute “a supplementary charge”.

### **Amendment of regulation 3.A.1**

- 22.**—(1) Regulation 3.A.1 (interpretation of part 3: general) is amended as follows.
- (2) At the appropriate place in the alphabetical order, insert—
    - ““the 2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014”
    - ““scheme administration charge” means the charge provided for in regulation 3.C.3A.”.
  - (3) In the definition of “NHS standard contract”(a)—
    - (a) for “standard commissioning contract”, substitute “terms and conditions”;
    - (b) before “2012”, insert “Regulations”.
  - (4) In the definition of “NHS standard sub-contract”(b), for “2015/16” substitute “2016/17”(c).
  - (5) In sub-paragraph (c) of the definition of “practice staff”(d), after “NHS standard sub-contract”, insert “where the party to the NHS standard contract in question is an employing authority”.
  - (6) In the definition of “qualifying contract”, after sub-paragraph (c), insert—
    - “; or
    - (d) an NHS standard sub-contract;”.
  - (7) In paragraph (2), in the definition of “host Board” for “administration charge” substitute “scheme administration charge under regulation 3.C.3A(e) and any supplementary charge”.

### **Amendment of regulation 3.A.13**

- 23.** In paragraphs (1) and (2) of regulation 3.A.13 (meaning of pensionable earnings in relation to other practitioners), omit “or for overtime”.

### **Amendment of regulation 3.B.2**

- 24.**—(1) Regulation 3.B.2 (restrictions on eligibility: general) is amended as follows.
- (2) In sub-paragraph (b) of paragraph (1H)(f)—
    - (a) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”;
    - (b) for “that section” substitute “those sections”.
  - (3) In paragraph (1J)—
    - (a) in sub-paragraph (a), after “2013 Act” insert “or Schedule 5 to the 2014 Act”;
    - (b) in sub-paragraph (c)—
      - (i) after “2013 Act”, insert “or subsection (5) of section 18 of the 2014 Act”;
      - (ii) for “that section” substitute “those sections”.

### **New regulation 3.C.3A**

- 25.** After regulation 3.C.3 (contributions by employing authorities: general), insert—

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(a) This definition was inserted by regulations 36(1) and (2)(b) of S.I. 2014/570.  
(b) This definition was inserted by regulations 20 and 39(e) of S.I. 2016/245.  
(c) Electronic copies of the guidance referred to in that definition can be obtained from [www.gov.uk/dh](http://www.gov.uk/dh). Hard copies may be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.  
(d) This definition was substituted by regulations 20 and 39(e) of S.I. 2016/245.  
(e) Regulation 3.C.3A is inserted by these Regulations.  
(f) Paragraph (1H) was inserted by regulation 42 and paragraph 9 and 17 of Part 2 of the Schedule 2 to S.I. 2015/95.

**“3.C.3A Scheme administration charge**

(1) Each employing authority must, in respect of each member who is liable to contribute to this Section of the Scheme, pay a scheme administration charge in accordance with this regulation.

(2) The scheme administration charge is to be paid to the Secretary of State on the same day, and in respect of the same period, as the employer’s standard rate contributions under regulation 3.C.3 are to be paid by that employing authority in respect of the member referred to in paragraph (1).

(3) The scheme administration charge is to be calculated as a percentage of that member’s pensionable earnings, for the period mentioned in paragraph (2).

(4) The percentage mentioned in paragraph (3) is to be determined by the Secretary of State taking into account the administrative costs of running the scheme and notified to each employing authority.”.

**Amendment of regulation 3.F.18**

**26.**—(1) Regulation 3.F.18 (right to transfer a deferred pension to the 2015 Scheme)(a) is amended as follows.

(2) After paragraph (5), insert—

“(5A) The Secretary of State must provide a member to whom this regulation applies with a notice in writing stating that the member has the right to request a statement of the amount of the cash equivalent of the member’s benefits accrued in accordance with these Regulations (“a statement of entitlement”).

(5B) The Secretary of State must provide the member with the notice referred to in paragraph (5A) within the period of three months beginning with the date that the Secretary of State receives notification from the member’s employing authority that the member has joined the 2015 Scheme.

(5C) A member who has received a notice in accordance with paragraph (5A) may request the Secretary of State to provide a statement of entitlement subject to paragraph (5D).

(5D) For the purposes of paragraph (5C), a request for a statement of entitlement must—

- (a) be made by the member in writing on the form provided by the Secretary of State for that purpose;
- (b) be received by the Secretary of State before the end of the three month period beginning with the date of the notice under paragraph (5A).”.

(3) For paragraph (6), substitute—

“(6) The Secretary of State must provide a member who has requested a statement of entitlement in accordance with paragraph (5D) with a statement of entitlement at the guarantee date.”.

(4) For sub-paragraph (a) of paragraph (9), substitute—

“(a) the period of three months beginning with the date that the Secretary of State receives the member’s request for a statement of entitlement in accordance with paragraph (5D); or”.

**Amendment of regulation 3.H.1**

**27.** In paragraph (5) of regulation 3.H.1 (application of Chapter 3.H)(b), for “paragraph (6)” substitute “paragraph (5A)”.

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(a) This regulation was inserted by regulations 17 and 46 of S.I. 2015/96.

(b) This paragraph was last amended by regulations 46(1) and (2) of S.I. 2014/570.

### **Amendment of regulation 3.J.9A**

**28.**—(1) Regulation 3.J.9A (interest and administration charges: late paid contributions)(a) is amended as follows.

(2) In paragraph (1)—

- (a) after “contributions” insert “and the scheme administration charge”;
- (b) after “3.C.3,” insert “3.C.3A,”.

(3) In paragraph (2), after “contributions” (three times) insert “or, as the case may be, the scheme administration charge”.

(4) In paragraph (3), for “an administration charge in respect of each such event” substitute “the amount of unpaid scheme administration charge or both together with a supplementary charge in respect of each such event”.

(5) In paragraph (4)—

- (a) in sub-paragraph (b), after “unpaid contributions” insert “or unpaid scheme administration charge, or both;”;
- (b) in sub-paragraphs (d) and (e), for “administration” substitute “supplementary”.

(6) In paragraph (5), for “administration charge” substitute “supplementary charge”.

(7) In paragraph (6), for “administration charges” substitute “supplementary charges”.

(8) In paragraph (8), for “administration charge” substitute “supplementary charge”.

## **PART 4**

### **Amendment of the National Health Service Pension Scheme Regulations 2015**

#### **General**

**29.** The National Health Service Pension Scheme Regulations 2015(b) are amended in accordance with this Part.

#### **Amendment of regulation 36**

**30.**—(1) Regulation 36 (interest and administration charges: late paid contributions) is amended as follows.

(2) In sub-paragraph (a) of paragraph (1)—

- (a) after “contributions”, insert “and the scheme administration charge”;
- (b) after “35,”, insert “36A,”.

(3) In paragraph (2), after “contributions” (three times) insert “or, as the case may be, the scheme administration charge”.

(4) For paragraph (3), substitute—

“(3) Where there is a chargeable event, the employing authority is liable to pay—

- (a) standard rate interest on the amount of unpaid contributions constituting that event or the amount of unpaid scheme administration charge constituting that event; or
- (b) both interest and the charge referred to in (a); and
- (c) a supplementary charge in respect of each such event.”.

(5) In paragraph (4)—

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(a) This regulation was inserted by regulation 47 of S.I. 2014/570.  
(b) S.I. 2015/94 amended by S.I. 2015/581, S.I. 2016/245 and S.I. 2016/481.

- (a) in sub-paragraph (b), after “contributions” insert “or, as the case may be, the scheme administration charge”;
- (b) in sub-paragraph (d), for “administration charge” substitute “supplementary charge”;
- (c) in sub-paragraph (e), for “administration charges” substitute “supplementary charges”.
- (6) In paragraph (5), for “administration charge” substitute “supplementary charge”.
- (7) In paragraph (6), for “administration charges” substitute “supplementary charges”.
- (8) In paragraph (8), for “administration charge” substitute “supplementary charge”.

**New regulation 36A**

**31.** After regulation 36 (interest and administration charges: late paid contributions), insert—

**“Scheme Administration Charge**

**36A.**—(1) Each employing authority must, in respect of each member who is liable to contribute to this scheme, pay a scheme administration charge in accordance with this regulation.

(2) The scheme administration charge is to be paid to the scheme manager on the same day, and in respect of the same period, as the employer’s standard rate contributions under regulation 33 are to be paid by that employing authority in respect of the member referred to in paragraph (1).

(3) The scheme administration charge is to be calculated as a percentage of that member’s pensionable earnings, for period mentioned in paragraph (2).

(4) The percentage mentioned in paragraph (3) is to be determined by the scheme manager taking into account the administrative costs of running the scheme and notified to each employing authority.”.

**Amendment of regulation 43**

**32.**—(1) Regulation 43 (eligibility to make buy-out election) is amended as follows.

(2) In sub-paragraph (a) of paragraph (3), after “this scheme” insert “in accordance with paragraph (3A)”.

(3) After paragraph (3), insert—

“(3A) For the purposes of paragraph (3)(a), M is treated as entering pensionable service on each occasion that an active member’s account is established in respect of that service in accordance with regulation 24(1)(a).”.

(4) For paragraph (5), substitute—

“(5) M may make an election under this regulation on one occasion only during each period of pensionable service in respect of which an active member’s account is established in accordance with regulation 24(1)(a).”.

**Amendment of regulation 58**

**33.** After paragraph (4) of regulation 58 (making an additional pension election), insert—

“(5) For the purposes of this Chapter—

- (a) a member is treated as having made an additional pension election on the date on which the employing authority receives the member’s notice under paragraph (1); and
- (b) an employing authority is treated as having made an additional pension election on the date on which the scheme manager receives the authority’s notice under paragraph (2).”.

### **Amendment of regulation 63**

- 34.**—(1) Regulation 63 (repayment of lump sum contributions)(a) is amended as follows.
- (2) In sub-paragraph (a) of paragraph (2), before “representatives” insert “personal”.
  - (3) In sub-paragraph (c) of each of paragraphs (2) and (3), before “pension account” insert “additional”.
  - (4) In paragraph (3), after “payable to M” insert “in consequence of a claim made”.

### **Amendment of regulation 66**

**35.** In sub-paragraph (b) of paragraph (7) of regulation 66 (revoking an additional pension election (periodic payments)), before “representatives” insert “personal”.

### **Amendment of regulation 67**

- 36.**—(1) Regulation 67 (revocation of election by scheme manager (lump sum)) is amended as follows.
- (2) In sub-paragraph (a) of paragraph (1), after “the election” insert “was made”.
  - (3) In sub-paragraph (a) of paragraph (2), before “representatives” insert “personal”.

### **Amendment of regulation 69**

- 37.**—(1) Regulation 69 (death in service before end of contributions payment period) is amended as follows.
- (2) For sub-paragraph (a) of paragraph (1), substitute—
    - “(a) whose additional pension election is for—
      - (i) an additional (self only) pension; or
      - (ii) an additional (self only) pension and an additional (survivor’s) pension; and”
  - (3) In paragraph (2)—
    - (a) in sub-paragraph (a)—
      - (i) before “representatives” insert “personal”;
      - (ii) after “representatives;” insert “and”;
    - (b) omit sub-paragraph (b).

### **Amendment of regulation 70**

- 38.**—(1) Regulation 70 (ill-health pension becomes payable before end of contributions payment period) is amended as follows.
- (2) In paragraph (2)—
    - (a) in sub-paragraph (a) after “M;” insert “and”;
    - (b) omit sub-paragraph (b).
  - (3) For paragraph (3), substitute—
    - “(3) If an ill-health pension becomes payable to M in consequence of a claim made after the end of the refund period—
      - (a) the periodic payments under the additional pension election are treated as being paid until the end of the contributions payment period for the election; and
      - (b) paragraph (4) applies.

---

(a) Paragraphs (2) and (3) were substituted by regulations 58 and 64 of S.I. 2016/245.

- (4) For the purpose of calculating the annual rate of ill-health pension—
- (a) if the scheme manager believes that the declaration that accompanied the additional pension election was made in good faith, the amount of accrued additional pension is calculated under paragraph 28 of Schedule 9 as at the last day of pensionable service;
  - (b) if the scheme manager believes that the declaration was not made in good faith, paragraph (2)(a) and (c) applies.”.

#### **Amendment of regulation 90**

**39.**—(1) Regulation 90 (entitlement to ill-health pension) is amended as follows.

(2) In paragraph (2)—

- (a) in sub-paragraph (a), after “M”, insert “is qualified for retirement benefits and”;
- (b) in sub-paragraph (e), after “M” omit “has”.

#### **Amendment of regulation 91**

**40.**—(1) Regulation 91 (member’s incapacity) is amended as follows.

(2) In the definition of “appropriate medical treatment”, in paragraph (6)—

- (a) in sub-paragraph (b)(i), after “regulation 90” insert “before M reaches prospective normal pension age”;
- (b) in sub-paragraph (b)(ii), after “that regulation” insert “before M reaches prospective normal pension age; or ”;
- (c) in sub-paragraph (c), after “reaches” insert “prospective”.

#### **Amendment of regulation 123**

**41.** In sub-paragraph (ii) of the definition of “A” in paragraph (3) of regulation 123 (amount of child pension: deceased active member), after “the Pensions (Increase) Act 1971” insert “on L+1”.

#### **Amendment of regulation 150**

**42.**—(1) Regulation 150 (interpretation) is amended as follows.

(2) For paragraph (3), substitute—

“(3) A qualifying contract is a contract between a relevant commissioning party and an independent provider the primary purpose of which is the provision of clinical health care services for the NHS and which is—

- (a) an NHS standard contract;
- (b) an APMS contract;
- (c) a contract entered into by a local authority pursuant to its functions under the 2006 Act relating to the improvement and protection of public health and which the Secretary of State agrees to treat as a qualifying contract for these purposes; or
- (d) an NHS standard sub-contract.”.

#### **Amendment of regulation 151**

**43.**—(1) Regulation 151 (application for employing authority status) is amended as follows.

(2) After sub-paragraph (b) insert—

“; and

(c) who—

- (i) is performing services pursuant to a qualifying contract; and

- (ii) satisfies the wholly or mainly condition”.

#### **Amendment of regulation 166**

**44.** In paragraph (7) of regulation 166 (medical practitioner), after “an NHS standard contract” insert “, an NHS standard sub-contract”.

#### **Amendment of Schedule 8**

**45.** In sub-paragraph (3) of paragraph 2 (persons subject to retention arrangements) of Schedule 8, after “A person who on,” insert “or after, 2nd April 2014 and”.

#### **Amendment of Schedule 9**

**46.**—(1) Schedule 9 (pensions accounts) is amended as follows.

(2) In paragraph 3 (meaning of “leaver index adjustment”)—

(a) in each of sub-paragraphs (1) and (3), for “The” substitute “Subject to sub-paragraph 2A, the”;

(b) After sub-paragraph (2), insert—

“(2A) If the amount of the leaver index adjustment under sub-paragraphs (1) or (2) is an amount that is less than zero, the amount of the leaver index adjustment for the purposes of those paragraphs is zero.”.

(3) After paragraph 15 of Part 2 of Schedule 9 (actuarial reduction buy-out), insert—

## **“PART 2A**

### **Active member’s account for unqualified members**

#### **Closure of an active member’s account**

**15A.** When an active member leaves all pensionable service but does not qualify for benefits under regulation 72 (in this Part “an unqualified member”) the active member’s account for that unqualified member must be closed.

#### **Active member’s account for unqualified member re-established after break not exceeding 5 years**

**15B.**—(1) This paragraph applies if—

- (a) an unqualified member re-enters pensionable service under this scheme after a break in service not exceeding 5 years; and
- (b) the rights of that member in respect of the service before the break have not been extinguished pursuant to regulation 42 (effect of refund) or regulation 140 (effect of transfer-out).

(2) When the unqualified member re-enters pensionable service under this scheme the active member’s account must be re-established.

(3) The active member’s account—

- (a) must specify the amount of accrued earned pension as at the beginning of the break in service; and
- (b) must be adjusted as if the member had continued as an active member during the break in service but had received no pensionable earnings.

**Active member’s account for unqualified member remains closed after break exceeding 5 years**

**15C.**—(1) This paragraph applies if an unqualified member re-enters pensionable service under this scheme after a break in service exceeding five years.

(2) When the unqualified member re-enters pensionable service under the scheme (“the further service”)—

- (a) the active member’s account in respect of the service before the break remains closed; and
- (b) a new active member’s account must be established in respect of the further service.”.

**Amendment of Schedule 10**

**47.**—(1) Schedule 10 (practitioner income) is amended as follows.

(2) At the end of sub-paragraph (2)(b) of paragraph 2 (medical practitioner), insert—

- “; and
- (c) in the case of a practitioner referred to in regulation 166(7), bonuses”.

**Amendment of Schedule 14**

**48.**—(1) Schedule 14 (lump sum on death) is amended as follows.

(2) In sub-paragraph (1) of paragraph 3 (death of deferred member), after “deferred member” insert “who is not also an active member”.

(3) In sub-paragraph (3) of paragraph 7 (death of partial retirement pensioner), for the definition of “re-valued pensionable earnings” substitute—

““re-valued pensionable earnings” means, in relation to a scheme year, an amount equal to the actual pensionable earnings for the year increased by the same amount as that by which an annual pension equal to that amount would have been increased for the first time under the Pensions (Increase) Act 1971 at the relevant day if—

- (a) the pension was eligible to be so increased;
- (b) the beginning date for the pension was the first day of the following scheme year; and
- (c) the relevant day was the member’s last day of pensionable service.”.

**Amendment of Schedule 15**

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

(2) At the appropriate place in the alphabetical order, insert the following rows—

NHS standard sub-contract	a sub-contract that complies with the Department of Health guidance “NHS Standard Sub-Contract for the Provision of Clinical Services 2016/17”(a)
scheme administration charge	the charge provided for in regulation 36A

(a) Electronic copies of the guidance referred to in that definition can be obtained from [www.gov.uk/dh](http://www.gov.uk/dh). Hard copies may be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

(3) In column 2 of the entry for “practice staff”(a) in paragraph (c), after “NHS standard sub-contract”(b) insert “where the party to the NHS standard contract in question is an employing authority”.

## 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(c) 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

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(a) This definition was last amended by regulations 58 and 89(b) of S.I.2016/245.

(b) This definition was inserted by regulations 58 and 89(c) of S.I.2016/245.

(c) S.I. 2015/95 as amended by S.I. 2016/245.

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)”.

## **PART 6**

### **Amendment of the National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000**

#### **General**

**54.** The National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000(a) are amended in accordance with this Part.

#### **Amendment of regulation 2**

**55.** In the definition of “pensionable employment” in regulation 2 (interpretation)(b), for “Provisions” substitute “Provisions”.

#### **Amendment of regulation 3**

**56.** In sub-paragraph (a) of paragraph (3) of regulation 3 (making and acceptance of elections)(c), omit “or”.

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(a) S.I. 2000/619 amended S.I. 2001/1428, S.I. 2001/3649, S.I. 2002/610, S.I. 2005/3074, S.I. 2006/600, S.I. 2007/3280, S.I. 2008/655, S.I. 2009/2446 (with retrospective effect), S.I. 2010/492, S.I. 2011/2586, S.I. 2013/413, S.I. 2014/78, S.I. 2015/96, S.I. 2016/245.

(b) This definition was last amended by regulations 53, 54(1) and (2)(h) of S.I. 2015/96.

(c) This paragraph was last amended by regulations 53, 55(1) and (3) of S.I. 2015/96.

## Amendment of regulation 15

57.—(1) Regulation 15 (payments by the Secretary of State)(a) is amended as follows.

(2) In paragraph (3)(b)—

(a) in sub-paragraph (b)(ii), after “the payment” insert “; or”;

(b) after sub-paragraph (b) of paragraph (3), insert—

“(c) in accordance with paragraph (3B)”.

(3) After paragraph (3A), insert—

“(3B) Where, prior to their death, the member has given notice to the Secretary of State in accordance with paragraph (3C) that the lump sum is to be paid to a person specified in the notice, and has not revoked that notice, the lump sum may be paid to that person unless—

(a) that person has died before the payment can be made; or

(b) payment to that person is not, in the opinion of the Secretary of State, reasonably practicable.

(3C) Notice to the Secretary of State for the purpose of paragraph (3B)—

(a) must be given only by a participator in the AVC scheme;

(b) must be given in writing; and

(c) may, at any time, be revoked in writing;

(d) must nominate the whole of the lump sum to a nominee and, in the case of a notice that specifies more than one person as nominee, must also specify the percentage of the lump sum to be paid to each such person,

(e) must specify one or more persons who may be—

(i) an individual;

(ii) body corporate;

(iii) an unincorporated body;

(iv) the member’s personal representatives

and a participator who revokes such a notice may give further notice for the purpose of that paragraph.”.

Signed by authority of the Secretary of State for Health.

6th March 2017

We consent

*Philip Dunne*  
Minister of State for Health,  
Department of Health

2nd March 2017

*Guto Bebb*  
*Stephen Barclay*  
Two of the Lords Commissioners of Her Majesty’s Treasury

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(a) This paragraph was last amended by regulations 53, 62(1) and (4) of S.I. 2015/96.

(b) This paragraph was last amended by regulations 53, 62(1) and (3)(b) of S.I. 2015/96.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service Pension Scheme Regulations 1995 (S.I.1995/300) (“the 1995 Regulations”), the National Health Service Pension Scheme Regulations 2008 (S.I. 2008/653) (“the 2008 Regulations”), the National Health Service Pension Scheme 2015 (S.I. 2015/94) (“the 2015 Regulations”), the National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015 (S.I. 2015/95) (“the Transitional Regulations”), and the National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000 (S.I. 2000/619) (“the AVC Regulations”).

The Regulations come into force on 1<sup>st</sup> April 2017, but regulation 1 provides for certain provisions to take effect from a date before that date. Section 12(1) of the Superannuation Act 1972 (c.11) and section 3(3)(b) of the Public Service Pensions Act 2013 provide authority for the regulations to take effect as from a date earlier than the making of these Regulations.

The remainder of the Regulations are divided into five Parts, with Parts 2, 3, 4, 5 and 6 amending the 1995 Regulations, the 2008 Regulations, the 2015 Regulations, the Transitional Regulations and the AVC Regulations respectively.

The changes specific to the 1995 Regulations—

amend regulation D3 of the 1995 Regulations relating to pensionable pay increases solely due to increases in the national minimum wage (regulation 4(3) and (4)).

The changes specific to the 1995 Regulations, the 2008 Regulations, and the 2015 Regulations—

insert a new definition of “scheme administration charge” (regulations 3(6), 12(2), 22(2) and 49(2))

insert a provision providing more information relating to the scheme administration charge to be paid by the employing authority (regulations 5, 15, 25 and 31)

make consequential provisions relating to interest due where the scheme administration charge is paid late (regulations 4(2), 7, 9(4) and (5), 19, 21, 28 and 30)

insert a provision relating to specific circumstances where practitioners or non-GP providers are required to pay the scheme administration charge (regulations 8, 12(7) and 22(7))

amend the definition of a “qualifying contract” in relation to IPs to include an NHS standard-sub-contract (regulations 3(5), 12(6), 22(6) and 42)

make amendments relating to employees working wholly or mainly on the relevant health care contract (regulations 9(2) and (3), 20 and 43)

amend the definition of NHS standard sub-contract to make reference to the latest 2016/17 guidance (regulations 3(3), 12(4), 22(4), and 49(2))

make amendments relating to work performed under NHS standard sub-contracts in the context of “practice staff” (regulations 3(4), 12(5), 22(5) and 49(3)).

The changes specific to the 1995 Regulations and 2008 Regulations only—

make amendment to the definition of “NHS standard contract” to ensure consistency across the NHS Schemes’ Regulations (regulations 3(2), 12(3) and 22(3))

make amendments to the provision relating to the rights of deferred members of the 1995 and 2008 Sections returning after a break in service exceeding five years transferring into the 2015 Scheme (regulations 6, 17 and 26)

The changes specific to the 2008 Regulations only—

make amendments relating to certain members of public service final salary schemes in Northern Ireland who join the NHS in England and Wales (regulations 12(2), 13, 22(2), and 24)

make amendments in relation to service in another public service pension scheme that qualifies for a final salary link under either the Public Service Pensions Act 2013 or the Public Service Pensions Act (Northern Ireland) 2014 (regulation 16).

The changes specific to the 2015 Regulations only—

make amendments to the regulation relating to members' eligibility to make a buy-out election (regulation 32)

make various technical refinements to regulations relating to members or their employers' purchase of additional pension (regulations 33 to 38)

make amendments to provisions covering ill-health retirement (regulations 39 and 40)

make amendments relating to "appropriate medical treatment" (regulation 40)

make amendments relating to the scope of pension increase to be included in the base child pension where a member dies within twelve months of leaving the scheme (regulation 41)

make amendments to the definition of "leaver index adjustment" and further provision relating to benefit accounts for members who leave without qualifying for benefits (regulation 46)

make amendments to clarify that bonuses are non-pensionable (regulation 47)

make amendments relating to lump sum payment where a member dies in service but also has entitlement to a deferred pension for earlier service (regulation 48)

make amendments refining the definition of "revalued pensionable earnings" for the purposes of calculating a lump sum on death (regulation 48)

Changes specific to the Transitional Regulations only—

correct an omission relating to the uprating due in respect of credit of earnings for added years of service purchased under transitional arrangements (regulation 51)

make amendment to ensure that relevant provisions in the 2015 Regulations do not underpay the portion of the survivor benefits that represent the value of the member's benefits in the old scheme (regulation 52).

The changes specific to the AVC Regulations—

make amendments to extend death benefit nomination options to money purchase additional voluntary contributions MPAVC members (regulation 57).

Other minor and technical amendments—

Other amendments make minor and technical corrections to scheme regulations (regulations 11, 14, 18, 23, 27, 44, 53, 55 and 56).

An impact assessment has not been prepared for this instrument as no impact on the costs of business or the voluntary sector is foreseen.

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