
STATUTORY INSTRUMENTS

2013 No. 413

**The National Health Service Pension Scheme,
Additional Voluntary Contributions and Injury
Benefits (Amendment) Regulations 2013**

PART 2

Amendment of the National Health Service Pension Scheme Regulations 1995

Part 2: General

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

Amendment of regulation A2

3.—(1) Regulation A2 (interpretation) is amended as follows.

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

““the 2008 Act” means the Pensions Act 2008(2);”;

““the 2010 Regulations” means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(3);”;

““automatic enrolment date” means the date referred to in section 3(7) of the 2008 Act;”;

““automatic re-enrolment date” means the date determined in accordance with regulation 12 of the 2010 Regulations (as modified by regulation 14(4) of those Regulations);”;

““foundation trainee” means a dentist performer who is employed as a foundation trainee as a consequence of a placement arrangement made by a local postgraduate dental dean or a director of postgraduate dental education;”;

““specialist trainee in general practice” means a GP Registrar and “GP Registrar” means a medical practitioner who is being trained in general practice by a general medical practitioner who is approved under section 34I(1)(c) of the Medical Act 1983 for the purpose of providing training under that Act;”.

(3) In the definition of—

(a) “APMS contract”(5) and “APMS contractor”(6) for—

(1) 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 2466, 2010/492 and 1634, 2011/591 and 2586, 2012/610 and as modified by S.I. 1996/971.

(2) 2008 c. 30.

(3) S.I. 2010/772.

(4) Regulation 14 was substituted by S.I. 2012/215, regulations 17, 22.

(5) Amended by S.I. 2007/3280, regulation 2(1), (2)(c) and by S.I. 2008/2263, regulation 3(b).

(6) Amended by S.I. 2007/3280, regulation 1(2), and by S.I. 2008/2263, regulation 3(b).

- (i) “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
- (ii) “section 83(2)(b)” substitute “section 83(2)”;
- (b) “dentist performer”(7), in paragraph (c)—
 - (i) omit “a Primary Care Trust or”,
 - (ii) in sub-paragraph (i), omit “in the case of England, section 99(2) of the 2006 Act or, in the case of Wales,”, and
 - (iii) in sub-paragraph (ii), for “vocational trainee” substitute “foundation trainee” and for “vocational training” substitute “foundation training”;
- (c) “employing authority”(8)—
 - (i) omit paragraphs (za) and (bb),
 - (ii) in paragraph (d), after the words “an Act relating to health services” insert “(in whole or in part)”, and
 - (iii) after paragraph (l), insert—
 - “(m) the National Health Service Commissioning Board established under section 9 of the Health and Social Care Act 2012;
 - (n) a Clinical Commissioning Group established under section 10 of the Health and Social Care Act 2012.”;
- (d) “GDS contractor”(9), “GMS practice”(10), “medical performers list”(11), “ophthalmic provider”(12) and “PMS practice”(13), for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (e) “GP performer”(14)—
 - (i) for “trainee practitioner” substitute “specialist trainee in general practice”,
 - (ii) for “or certification services”, substitute “, certification services, Board and advisory work, health-related functions exercised under section 75 of the 2006 Act, NHS 111 services or pharmaceutical services”,
 - (iii) in paragraph (c)—
 - (aa) omit “a Primary Care Trust or”,
 - (bb) in sub-paragraph (i), omit “in the case of England, section 83(2)(a) of the 2006 Act or in the case of Wales,”,
 - (cc) in sub-paragraph (ii), omit “or section 92 arrangements made between a Primary Care Trust or a Local Health Board and a Strategic Health Authority”;
- (f) “host Trust or Board”(15)—

(7) Inserted by [S.I. 2006/600](#), regulation 2(1), (3).

(8) Relevant amendments are in [S.I. 2000/605](#), regulations 2, 3(b)(iii), [2002/2469](#), regulation 4, Schedule 1, Part 2, paragraph 62(1), (2)(a), [S.I. 2007/3280](#), regulation 2(1), (2)(f)(iv) and (vi).

(9) Inserted by [S.I. 2011/2586](#), regulations 2, 3(a).

(10) Amended by [S.I. 2010/492](#), regulations 2, 3(a)(i) and (ii).

(11) Substituted (for the definition of “medical list” as inserted by [S.I. 1998/666](#), regulation 3(c)), by [S.I. 2005/661](#), regulation 2(d).

(12) Inserted by [S.I. 2008/2263](#), regulation 3(h), substituted by [S.I. 2008/2263](#), regulation 3(i) and amended by [S.I. 2010/492](#), regulations 2, 3(c).

(13) Inserted by [S.I. 2005/661](#), regulation 2(b).

(14) Inserted by [S.I. 2005/661](#), regulation 2(b) and amended by [S.I. 2006/600](#), regulation 2(1), (4)(a) and [S.I. 2007/3280](#), regulation 2(1), (2)(i)(i) and (ii).

(15) Inserted by [S.I. 2005/661](#), regulation 2(b), and amended by [S.I. 2010/492](#), regulations 2, 3(b)(i) and (ii) and by [S.I. 2011/2586](#), regulations 2, 3(b).

- (i) for “host Trust or Board”, substitute “host Board”,
- (ii) for “each Primary Care Trust or Local Health Board” (three times), substitute “the National Health Service Commissioning Board or each Local Health Board”;
- (g) “PDS contractor”(16) for “a Primary Care Trust, nor a Strategic Health Authority,”, substitute “the National Health Service Commissioning Board”;
- (h) “PMS practice”, for “the Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (i) “practitioner”, for “trainee practitioner” substitute “specialist trainee in general practice”;
- (j) “type 2 dental practitioner”(17)—
 - (i) in paragraph (a), for “vocational trainee” substitute “foundation trainee”,
 - (ii) in paragraph (b)—
 - (aa) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,
 - (bb) omit “Trust or”, and
 - (cc) in sub-paragraph (i), omit “in the case of England, section 99(2) of the 2006 Act or,”;
- (k) “type 2 medical practitioner”, omit “a Primary Care Trust” (twice).
- (4) Omit the definition of—
 - (a) “trainee practitioner”(18); and
 - (b) “vocational trainee”(19).
- (5) For the definition of—
 - (a) “enhanced services” substitute—

“enhanced services, in relation to—

 - (a) a GMS practice, has the meaning given in regulation 2(1) of the GMS Contracts Regulations; or
 - (b) any other performer or provider of primary medical services, means services which, if provided by a GMS practice, would be enhanced services within the meaning given in regulation 2(1) of those Regulations,

and in each case, includes local enhanced services and public health local enhanced services which were, prior to 1st April 2013, commissioned by a Primary Care Trust under regulation 2(1) of the GMS Contracts Regulations as—

 - (i) local enhanced services, or
 - (ii) public health local enhanced services and transferred, on or after 1st April 2013, to a local authority by a transfer scheme made pursuant to section 300 of the Health and Social Care Act 2012”; and
 - (b) “pay period” substitute—

““pay period” means, in relation to members who receive either salary, wages or other regular payments under a contract of employment or a contract for services, the period in respect of which each payment is made in accordance with the terms of that contract;”.

(16) Inserted by S.I. 2006/600, regulation 2(1), (3).

(17) Inserted by S.I. 2006/600, regulation 2(1), (3) and substituted by S.I. 2007/3280, regulation 2(1), (2)(m).

(18) Which was substituted by S.I. 2005/661, regulation 2(d).

(19) The definition of “vocational trainee” was inserted by S.I. 2006/600, regulation 2(1), (3).

Amendment of regulation A3

4.—(1) Regulation A3 (approved out of hours providers)(**20**) is amended as follows.

(2) In paragraph (1)—

(i) in sub-paragraph (a)(ii) and (iii), for “a Primary Care Trust” substitute “a Clinical Commissioning Group, the National Health Service Commissioning Board”;

(ii) in sub-paragraph (b)—

(aa) in paragraphs (vi) and (vii), for “a Primary Care Trust” substitute “a Clinical Commissioning Group, the National Health Service Commissioning Board”, and

(bb) in paragraph (vii)(bb), for “Trust” substitute “Group”.

(3) In paragraph (3), for “a Primary Care Trust” substitute “a Clinical Commissioning Group, the National Health Service Commissioning Board” and for “appointed Trust” substitute “appointed Group”.

(4) In paragraphs (4), (5)(b), (6)(b), (7)(a), (10)(twice), (11)(twice) and (12), for “Trust” substitute “Group”.

Amendment of regulation B1

5.—(1) Regulation B1 (membership of this Section of the scheme) is amended as follows.

(2) In paragraph (1)(b), for “trainee practitioners” substitute “specialist trainees in general practice”.

(3) For paragraph (2), substitute—

“(2) Subject to paragraph (3), each eligible person will be included in this Section of the scheme—

(a) automatically on commencing NHS employment;

(b) where the person has previously opted out of this Section of the scheme, on the date determined under paragraph (5) of regulation B4 where that paragraph applies: this is subject to regulation B4(6);

(c) subject to regulation B4(6), where the person has previously opted out of this Section of the scheme and is a person to whom section 3 or section 5 of the 2008 Act applies—

(i) on that person’s automatic enrolment date, or

(ii) on that person’s automatic re-enrolment date, except where the notice referred to in regulation B4(1) was given within the 12 months immediately preceding that date.”.

Amendment of regulation B4

6.—(1) Regulation B4 (opting out of this Section of the scheme)(**21**) is amended as follows.

(2) Omit paragraphs (1A) to (1C).

(3) For paragraph (2), substitute—

“(2) A notice referred to in paragraph (1) shall take effect—

(a) from the first day of the pay period immediately following its receipt by the employing authority; or

(20) Inserted by S.I. 2005/661, regulation 3. There are no relevant amendments.

(21) Relevant amendment is S.I. 2009/2446, regulations 2, 10, Schedule 1, Part 1, paragraph 1(a).

- (b) where a later date is specified in the notice, from the first day of the pay period following the pay period in which the specified date falls.”.
- (4) For paragraph (3), substitute—
- “(3) A person who opts out of this Section of the scheme under paragraph (1) within one month of the date of commencing NHS employment shall be treated as never having been included in this Section of the scheme in respect of that opt out and, if applicable, any contributions made by, or on behalf of, that person for the period before the opt out took effect must be refunded.”.
- (5) For paragraph (4), substitute—
- “(4) A notice under paragraph (1) shall cease to have effect on the day immediately preceding, as the case may be, the person’s—
- (a) automatic enrolment date; or
- (b) automatic re-enrolment date: this does not apply where the notice was given within the 12 months immediately preceding that date.”.
- (6) Omit paragraph (5A).
- (7) For paragraph (6), substitute—
- “(6) A person who has opted out may not become a member of this Section of the scheme during any period of absence from work for any reason.”.
- (8) After paragraph (7), add—
- “(8) This regulation does not apply to a person to whom sections 3, 5 or 8 of the 2008 Act(22) and regulations 9 or 15 of the 2010 Regulations(23) applies (that is, a person who is subject to automatic enrolment or automatic re-enrolment in this Section of the scheme as a qualifying scheme who does not wish to participate in it): this paragraph does not affect the rights of such a person who subsequently becomes a member of this Section of the scheme in circumstances where those provisions of the 2008 Act and 2010 Regulations do not apply.”.

Amendment of regulation D1

- 7.—(1) Regulation D1 (contributions by members)(24) is amended as follows.
- (2) For the table in paragraph (1A), substitute—

“Scheme Year 2013-2014

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable Pay band</i>	<i>Contribution percentage rate</i>
Up to £15,278	5%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%

(22) Section 3 makes provision for the automatic enrolment of a qualifying worker into a qualifying scheme like the NHS Pension Scheme. Section 5 makes provision for the automatic re-enrolment of such a person into such a scheme who has previously opted out of it. Section 8 makes provision for the opting out of such a scheme, including the effect of such an opt out.

(23) Regulation 9 sets out the requirements for a valid opt out notice and the time period during which a person who has been automatically enrolled into a qualifying scheme may opt out of it. Regulation 15 applies the provisions of regulation 9 to a person who has been automatically re-enrolled into a qualifying scheme having previously opted out of it. Note that regulation 11 deals with the refund of contributions following an opt out.

(24) Paragraph (2A) was substituted by [S.I. 2009/381](#), regulation 4 and amended by [S.I. 2010/1634](#), regulations 2, 3(1), (4).

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable Pay band</i>	<i>Contribution percentage rate</i>
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
£110,274 to any higher amount	13.3%”.

(3) For paragraph (2A) substitute—

“(2A) Before determining those pensionable pay bands or contribution percentage rates under paragraph (2), the Secretary of State must consider the advice of the Scheme Actuary.”.

Amendment of regulation D2

8.—(1) Regulation D2 (contributions by employing authorities) is amended as follows.

(2) In paragraph (7), at the end insert (as full out words) “This is subject to paragraph (7A).”.

(3) After paragraph (7), insert—

“(7A) Where the member leaves pensionable employment on or after 1st April 2013, any additional contributions that are due to the Secretary of State under paragraph (3)(b), (c), (e) and (f) may only be paid by a single payment of an amount determined by the Secretary of State on the advice of the Scheme Actuary: that payment must be made within one month of the date on which the pension under regulation E3A became payable.”.

Amendment of regulation E3A

9. For paragraph (2) of regulation E3A (early retirement pension (termination of employment by employing authority)), substitute—

“(2) Those conditions are that—

- (a) the member has 2 years’ qualifying service and has attained normal minimum pension age or, where relevant, protected pension age;
- (b) the member’s employing authority certifies—
 - (i) that the member has at least 2 years’ continuous employment determined in accordance with any terms and conditions applying to that employment, and
 - (ii) if the member’s employment is terminated by reason of redundancy, the member is entitled to claim a pension under this regulation as an alternative to receiving (in whole or in part) the lump sum payment otherwise payable to the member in accordance with those terms and conditions;
- (c) the member’s employing authority does not certify that the member has unreasonably refused to seek suitable alternative employment or accept an offer of such employment;
- (d) the Secretary of State certifies—
 - (i) that the member’s employment is terminated by reason of redundancy, or
 - (ii) with the agreement of the employing authority, that the member’s employment is terminated in the interests of the efficiency of the service in which the member is employed; and
- (e) the member makes a claim for the pension referred to in this regulation.”.

Amendment of regulation G6

10. After paragraph (3), of regulation G6 (member marries after leaving pensionable employment), add—

“(4) Where the nominated partner referred to in regulation G14 (surviving nominated partner’s pension) becomes the member’s widow on the member’s death, the widow’s pension will, if it would be more beneficial to the widow, be equal to the nominated partner pension that would have been payable if the widow and the member had not been married to each other.”.

Amendment of regulation G14

11.—(1) Regulation G14 (surviving nominated partner’s pension) is amended as follows.

(2) In paragraph (2)(b)(**25**), at the end of—

- (a) paragraphs (i) and (ii), omit “or”; and
- (b) paragraph (iii), for “or” substitute “and”.

(3) For paragraph (5), substitute—

“(5) Subject to paragraph (6), regulations G1 to G6 apply to the calculation and payment of pensions for nominated partners in the same manner as they apply to pensions for widows and paragraph (1) of regulation G6 shall be read as if, for the words “where the member and his wife were not married to each other during any period of pensionable employment”, it said “where a nomination for a surviving partner pension becomes effective after all pensionable employment has ceased.”.

Amendment of regulation H4

12. For paragraph (4) of regulation H4 (member dies after pension becomes payable), substitute—

“(4) If the member dies leaving a dependent child and there is no surviving parent or no surviving spouse or civil partner or nominated partner of a parent, the allowance—

- (a) for the period of 6 months beginning with the member’s death, will be the greater of—
 - (i) the amount of the member’s pension calculated without regard to any reduction made under regulation S2 (reduction of pension on return to NHS employment), and
 - (ii) the amount of child allowance that would otherwise be payable under these Regulations;
- (b) following the period referred to in (a), will be equal to—
 - (i) one-third of the pension described in paragraph (2) if there is only one dependent child,
 - (ii) two-thirds of the pension described in paragraph (2) if there are two or more dependent children.”.

Amendment of regulation K6

13. In paragraph (1) of regulation K6(**26**) (protected rights transferred to this Section of the scheme), after “Where” insert “, prior to 6th April 2012,”.

(25) Inserted by S.I. 2008/654, regulation 29 and amended by S.I. 2009/2446 and S.I. 2010/492.

(26) Amended by S.I. 2009/2446, regulations 2, 10, Schedule 1, Part 1, paragraph 1(a).

Amendment of regulation Q13

14.—(1) Regulation Q13 (cancellation and cessation of options under regulation Q8)(**27**) is amended as follows.

(2) In paragraph (4), after “such an option” insert “in accordance with paragraph (3)”.

(3) After paragraph (4), add—

“(5) If, after the exercise of the option under regulation Q8, the Secretary of State has reasonable grounds to believe that the member’s health will prevent the member from paying contributions for the whole contribution period, the Secretary of State may cancel the option by giving the member notice in writing.

(6) If the Secretary of State cancels such an option in accordance with paragraph (5)—

(a) the additional periodical contributions cease to be payable for the first pay period beginning after the date specified in the notice (“date of cancellation”) and all subsequent pay periods, and

(b) any periodical payments made prior to the date of cancellation shall be returned to the member.”.

Amendment of regulation Q15

15. In regulation Q15 (effect of death or early payment of pension after option exercised under regulation Q8, Q10 or Q11)(**28**), in paragraphs (2) and (4), for “If a member” substitute “Subject to regulation Q13(5) and (6), if a member”.

Amendment of regulation R1

16.—(1) Regulation R1 (practitioners and trainee practitioners)(**29**), is amended as follows.

(2) In the heading, for “trainee practitioners” substitute “specialist trainees in general practice”.

(3) In paragraph (1), for “Primary Care Trust” substitute “the National Health Service Commissioning Board”.

(4) In paragraph (2), for—

(a) “trainee practitioners” substitute “specialist trainees in general practice”,

(b) “relevant Local Health Board or Primary Care Trust” substitute “relevant employing authority”.

(5) In paragraph (3), for “Primary Care Trust or Local Health Board” substitute “the National Health Service Commissioning Board or relevant Local Health Board”.

Amendment of regulation S2

17.—(1) Regulation S2 (reduction of pension on return to NHS employment), is amended as follows.

(2) In paragraph (6), after “paragraph (3)” insert “or (3A)”.

(3) In paragraph (14)(**30**), in the definition of “actuarially reduced pension”, for “the member become entitled to a pension” substitute “the member had become entitled to a pension”.

(27) Regulation Q13 was inserted by [S.I. 2008/654](#), regulation 1(2).

(28) Regulation Q15 was inserted by [S.I. 2008/654](#), regulation 51.

(29) Paragraphs (1) and (2) were amended by [S.I. 2002/2469](#), regulations 8(a), 14, Schedules 5 and 11. Paragraph (3) was inserted by [S.I. 2005/661](#), regulation 8 and amended by [S.I. 2007/3280](#), regulation 2(1), (15).

(30) The definition of “actuarially reduced pension” was inserted by [S.I. 2008/654](#), regulation 57(1), (4).

New regulation T1A

18. After regulation T1 (claims for benefits), insert—

“T1A Provision of information: continuing entitlement to benefit

(1) Secretary of State may specify a date by which a person who is in receipt of a benefit under this Section of the scheme is to provide the Secretary of State with all or any of the following material—

- (a) evidence of the person’s identity;
- (b) the person’s contact details;
- (c) evidence of the person’s continuing entitlement to the benefit.

(2) Where a person fails to provide the material referred to in paragraph (1) in accordance with that paragraph the Secretary of State may withhold all, or any part, of any benefit payable to that person.”.

Amendment of regulation U3

19. Omit paragraphs (3) to (4) of regulation U3 (accounts and actuarial reports)(31).

Omission of regulation U4

20. Omit regulation U4 (cost sharing)(32).

Amendment of Schedule 2

21.—(1) Schedule 2 (Medical and Dental Practitioners) is amended as follows.

(2) In paragraph 1 (additional definitions used in this Schedule)—

(a) in the definition of—

- (i) “Board and advisory work”(33), for “primary medical” (twice) substitute “NHS”;
- (ii) “collaborative services”(34)—

(aa) in paragraph (a), omit “the Secretary of State,” and for “a Primary Care Trust”, substitute “the National Health Service Commissioning Board, a Clinical Commissioning Group”, and

(bb) for the full-out words at the end, substitute—

“under, in the case of England, section 80(6A) of the 2006 Act or in the case of Wales, section 38(6) of the 2006 (Wales) Act, under which the Clinical Commissioning Group, the National Assembly for Wales, the National Health Service Commissioning Board or the Local Health Board is responsible for providing services for purposes related to the provision of health care;”;

(iii) “commissioned services” in paragraph (b)(35)—

(aa) in sub-paragraph (i), omit “a Strategic Health Authority or”,

(bb) for sub-paragraph (ii), substitute—

(31) Relevant amendments are S.I. 2005/661, regulation 10(a), S.I. 2007/3280, regulation 2(1), (26) and S.I. 2010/1634, regulations 2, 6(1), (2), (3).

(32) Inserted by S.I. 2008/654, regulation 64.

(33) Inserted by S.I. 2005/661, regulation 11(1), (2)(c).

(34) Inserted by S.I. 2005/661, regulation 11(1), (2)(c) and amended by S.I. 2007/3280, regulation 2(1), (27)(a)(i).

(35) Inserted by S.I. 2005/661, regulation 11(1), (2)(c). Relevant amendment is S.I. 2007/3280, regulation 2(1), (27)(a)(ii).

- “(ii) the National Assembly for Wales, the National Health Service Commissioning Board or a Local Health Board under, in the case of England, section 12ZA of the 2006 Act or, in the case of Wales, section 10 of the 2006 (Wales) Act (which relates to arrangements made with any person or body, including a voluntary one, for the provision of services under the Act),”
- (cc) at the end of sub-paragraph (iii), omit “or”,
- (dd) at the end of sub-paragraph (iv), insert “or”,
- (ee) after sub-paragraph (iv), add—
- “(v) a local authority acting under section 2B of the 2006 Act.”;
- (iv) “locum practitioner”**(36)**—
- (aa) for “trainee practitioner” substitute “specialist trainee in general practice”,
- (bb) in paragraph (e), omit “a Primary Care Trust or”,
- (cc) after “certification services” insert “, Board and advisory work, health related functions exercised under section 75 of the 2006 Act, NHS 111 services”;
- (b) omit the definition of “Executive Committee”**(37)**;
- (c) at the appropriate place in the alphabetical order insert—
- ““NHS 111 services” means services provided as part of the telephone advice line commissioned by a Clinical Commissioning Group or the National Health Service Commissioning Board.”.
- (3) In paragraph 2 (application of Regulations with modifications), in—
- (a) sub-paragraph (1)—
- (i) for “employed by the relevant Primary Care Trust or Local Health Board”, substitute “employed by the relevant Local Health Board or the National Health Service Commissioning Board”;
- (ii) for “reference to the relevant Primary Care Trust or Local Health Board”, substitute “reference to the relevant Board”;
- (b) sub-paragraph (1A), for “Primary Care Trust or Local Health Board who prepare and publish” substitute “Board that prepares and publishes”;
- (c) sub-paragraph (2), after “practitioner” insert “other than any period or periods of work as a locum practitioner”.
- (4) In paragraph 3 (meaning of pensionable earnings)—
- (a) for sub-paragraph (2)(a)(v)**(38)**, substitute—
- “(v) engagement by a Local Health Board to assist in the provision of primary medical services under section 41(2)(a) of the 2006 (Wales) Act.”;
- (b) in sub-paragraph (2)(a)(vii), after “collaborative services” insert “, NHS 111 services”,
- (c) after sub-paragraph (2)(d), insert—
- “(e) health-related functions exercised under section 75 of the 2006 Act.”;
- (d) in sub-paragraph (2B), in—

(36) Substituted by [S.I. 2005/661](#), regulation 11(1), (2)(b).

(37) Inserted by [S.I. 2000/605](#), regulations 2, 15(b)(i).

(38) Sub-paragraph (2)(a) substituted by [S.I. 2005/661](#), regulation 11(1), (4)(b) and amended by [S.I. 2007/3280](#), regulation 2(1), (27)(b)(i).

- (i) paragraph (a)(39) for “Primary Care Trust”, substitute “National Health Service Commissioning Board”, and
 - (ii) paragraph (a)(iv) and (v), for “vocational trainee” substitute “foundation trainee”;
 - (e) in sub-paragraph (2D), in paragraphs (a) and (b), for “vocational trainee” substitute “foundation trainee”.
- (5) In paragraph 4 (calculating pensionable earnings of medical practitioners in partnership)(40), in—
- (a) sub-paragraph (3), for “registered medical practitioner” substitute “type 1 medical practitioner”;
 - (b) sub-paragraph (4), for “the Local Health Board or Primary Care Trust” substitute “the National Health Service Commissioning Board or Local Health Board”.
- (6) In paragraph 5 (elections relating to calculation of “pensionable earnings” in medical partnerships)(41), in—
- (a) sub-paragraph (1), omit “Trust or”;
 - (b) sub-paragraph (4)—
 - (i) omit “Primary Care Trust or”, and
 - (ii) after “Local Health Board” insert “or the National Health Service Commissioning Board”;
 - (c) sub-paragraph (5), for “Primary Care Trust” substitute “National Health Service Commissioning Board”;
 - (d) sub-paragraph (6), for “Primary Care Trust” substitute “National Health Service Commissioning Board”.
- (7) In paragraph 6 (meaning of “pensionable earnings” in relation to other practitioners), in—
- (a) sub-paragraph (1)(a), for “or pharmaceutical services” substitute “, health-related functions exercised under section 75 of the 2006 Act, pharmaceutical services or NHS 111 services”;
 - (b) sub-paragraph (2)(a), for “vocational trainee” substitute “foundation trainee”;
 - (c) sub-paragraph (4), for “or pharmaceutical services” substitute “, health-related functions exercised under section 75 of the 2006 Act, pharmaceutical services or NHS 111 services”.
- (8) In paragraph 8 (limit on pensionable earnings-dental practitioners), in sub-paragraph (3)(42), for—
- (a) “a Primary Care Trust” substitute “the National Health Service Commissioning Board”; and
 - (b) “the Dental Practice Board” substitute “the Dental Services Division of the National Health Service Business Services Authority”.
- (9) In paragraph 10 (contributions to this Section of the scheme)(43)—
- (a) for sub-paragraph (1A) substitute—

(39) Inserted by S.I. 2006/600, regulation 21(1), (4)(c), and amended by S.I. 2008/2263, regulation 22(1), (4)(c).

(40) Substituted by S.I. 2005/661, regulation 11(1), (5).

(41) Relevant amendments are S.I. 2002/2469, regulation 8(a), Schedule 5, S.I. 2005/661, regulation 11(1), (6)(a)(i) and (ii), (b)(i) and (ii) (c) and (d), S.I. 2006/600, regulation 21(1), (6)(a), (b) and (c), S.I. 2008/654, regulation 65(1) and (6) and S.I. 2008/2263, regulation 22(1), (5).

(42) Relevant amendments are S.I. 2002/2469, regulation 9, Schedule 6, S.I. 2008/654, regulation 65(1)(7)(b) and S.I. 2008/2263, regulation 22(1), (6).

(43) Relevant amendments are in S.I. 2006/600, regulation 21(1), (10)(a) to (d), (10)(g)(i) and (ii), (h) and (i), S.I. 2008/2263, regulation 22(1), (8)(c), S.I. 2009/381, regulation 13(1), (2), S.I. 2010/1634, regulations 2, 7(1), (3), (4) and S.I. 2011/2586, regulations 2, 12(1), (5)(a), (b).

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

- (a) in respect of the 2012-2013 scheme year, table 1;
- (b) in respect of the 2013-2014 scheme year, table 2.

Table 1

Scheme Year 2012-2013

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,175	5%
£21,176 to £26,557	6.5%
£26,558 to £48,982	8%
£48,983 to £69,931	8.9%
£69,932 to £110,273	9.9%
£110,274 to any higher amount	10.9%

Table 2

Scheme Year 2013-2014

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £15,278	5%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
£110,274 to any higher amount	13.3%”.

(b) for sub-paragraph (2B), substitute—

“(2B) Before determining those pensionable earnings bands or contribution percentage rates, the Secretary of State must consider the advice of the Scheme Actuary.”;

(c) for sub-paragraph (2F), substitute—

“(2F) In determining, in accordance with this paragraph, the contributions that are payable pursuant to regulations D1(1) and D2(1), a host Board must take account of all pensionable earnings, including those determined by another host Board, as a—

- (a) practitioner, from all practitioner sources;
- (b) non-GP provider, from all non-GP provider sources;
- (c) dentist performer, from all dentist performer sources.”;

- (d) in sub-paragraph (2G), omit “Trust or”(twice);
 - (e) in sub-paragraphs (2H)(twice), (2I)(three times), (2K)(twice), (2L)(three times), (2N)(three times), (4), (5)(twice), (6), (7), (8)(four times), (9) (twice), (10)(four times), (11), (14) (twice), (15)(four times) and (16) omit “Trust or”;
 - (f) in sub-paragraph (10A)(44), in paragraphs (a) and (b), for “vocational trainee” substitute “foundation trainee”;
 - (g) for sub-paragraphs (12) and (13), substitute—
 - “(12) Where contributions are payable by a locum practitioner under sub-paragraph (11) in respect of pensionable locum work carried out for an employing authority, that employing authority shall pay contributions under regulation D2(1) in respect of that work.
 - (13) Where D2(1) contributions are payable in respect of a locum practitioner under sub-paragraph (12), those contributions shall be payable—
 - (a) to the host Board where the Secretary of State is not that host Board, and
 - (b) to the Secretary of State if the employing authority is the host Board.”;
 - (h) for sub-paragraph (17), substitute—
 - “(17) Sub-paragraph (17A) applies where, despite the provisions of this paragraph—
 - (a) a type 1 or type 2 practitioner, locum practitioner or non-GP provider has failed to pay D1 contributions;
 - (b) a type 1 practitioner or non-GP provider has failed to pay D2(1) contributions; or
 - (c) an employing authority has failed to deduct D1 contributions.
 - (17A) The Secretary of State may recover the amount of any unpaid contributions referred to in sub-paragraph (17)—
 - (a) where an employing authority has ceased to exist and paragraph (a) of that sub-paragraph applies, by adding the amount of those unpaid contributions to the amount of D1 contributions the practitioner or non-GP provider in question is due to pay to the host Board: that practitioner or non-GP provider is to record that amount of those unpaid contributions in a certificate referred to in paragraph 23 of this Schedule; or
 - (b) by deduction from any payment of a benefit to, or in respect of, the member entitled to that benefit: such a deduction must be to the member’s advantage and is subject to the member’s consent.
 - (17B) The provisions of sub-paragraph (17A) are without prejudice to any other method of recovery the Secretary of State may have.”;
 - (i) in sub-paragraph (18)(a) and (b), after “a practitioner” insert “, a locum practitioner”.
- (10) In paragraph 19 (members absent from work)(45)—
- (a) in sub-paragraphs (2) and (3), for “Regulation P1”, substitute “Subject to sub-paragraph (8), regulation P1”;
 - (b) after sub-paragraph (7)(46), insert—
 - “(8) Before a calculation of a member’s pensionable earnings can be made in accordance with sub-paragraphs (4) and (5), written notice of the length of the absence must be given to the Secretary of State by—

(44) Sub-paragraph (10A) was inserted by [S.I. 2006/600](#), regulation 21(1), (10)(e).

(45) Relevant amendment is [S.I. 2002/561](#), regulation 2, Schedule, paragraph (10)(1), (12).

(46) Sub-paragraph (7) was inserted by [S.I. 2002/561](#), regulation 2, Schedule, paragraph 10(1), (12).

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- (a) the member, where the member is a type 1 practitioner or a non-GP provider; or
- (b) in all other cases, the National Health Service Commissioning Board or relevant Local Health Board.

(9) The notice referred to in sub-paragraph (8) must be provided to the Secretary of State in such form and manner as the Secretary of State may stipulate from time to time.”.

(11) In paragraph 23 (accounts and actuarial reports)(47), in sub-paragraphs (2), (3), (4) (four times), (5), (6), (7) and (15)(twice), omit “Trust or”.

(47) Amended by [S.I. 2009/381](#), regulation 13(1), (4) and [S.I. 2011/2586](#), regulations 2, 12(1), (7).