

**EXPLANATORY MEMORANDUM TO THE  
NHS (PENSION SCHEME AND INJURY BENEFITS) AMENDMENT  
REGULATIONS 2005**

**2005 No.661**

1. This explanatory memorandum has been prepared by The Department of Health and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 The amendments to the National Health Service Pension Scheme Regulations 1995 and the National Health Service Injury benefits Regulations 1995s made by this Instrument arise mainly from the implementation of the new General Practitioner Contract, which was effective from 01/04/04. The new contract extends the pensionable work of GPs to include health services performed for NHS employers other than Primary Care Trusts and Local Health Boards. Provision is also made for the inclusion of non-GP providers in general medical services (GMS) and alternative provider medical Services (APMS) in the main scheme and in the Injury Benefits scheme.

2.2 This instrument also inserts new provisions into those regulations that will allow certain providers of Out of Hours services to be approved as employing authorities for scheme purposes.

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

3.1 The Regulations, which are made under section 10 of the Superannuation Act 1972, have effect from 1st April 2004 in accordance with the power to frame regulations made under that section so as to have effect as from a date earlier than the making of the Regulations (see section 12(1) of that Act). The purpose of doing so is to enable the Regulations to have effect as from the same date that the new General Practitioner contract took effect.

4. **Legislative Background**

4.1 This Instrument amends the National Health Service Pension Scheme Regulations 1995 (S.I.1995/300) (regulations 1 to 11) and the National Health Service (Injury Benefits) Regulations 1995 (S.I.1995/866) (regulation 12) in accordance with powers in sections 10 and 12 of, and Schedule 3 to, the Superannuation Act 1972 (c.11).

**5. Extent**

5.1 This instrument applies to England and Wales.

**6. European Convention on Human Rights**

**Mr Hutton** has made the following statement regarding Human Rights:

In my view the provisions of the NHS (Pension Scheme and Injury Benefits) Amendment Regulations 2005 are compatible with the Convention rights.

**7. Policy background**

7.1 The amendments to these Regulations made by this Instrument arise mainly from the implementation of the new General Practitioner Contract, which was effective from 01/04/04.

**8. Impact**

8.1 This Instrument imposes no cost to the public.

**9. Contact**

**Mrs Erica Pearson** at the Department of Health Professional Standards and Pensions Tel: 01253 774505 or e-mail: erica.pearson @dh.gsi.gov.uk can answer any queries regarding the instrument.