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STATUTORY INSTRUMENTS

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**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**

**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”(1), for “primary medical” (twice) substitute “NHS”;

(ii) “collaborative services”(2)—

(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)(3)—

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

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

“(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”,

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

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

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

- (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”(4)—
  - (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”(5);
- (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)(6), 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—
    - (i) paragraph (a)(7) 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”.

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

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

(6) 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).

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

- (5) In paragraph 4 (calculating pensionable earnings of medical practitioners in partnership)(8), 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)(9), 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)(10), 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)(11)—
- (a) for sub-paragraph (1A) substitute—
    - “(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.

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(8) Substituted by [S.I. 2005/661](#), regulation 11(1), (5).

(9) 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).

(10) 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).

(11) 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).

**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)(12), 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)(13)—
- (a) in sub-paragraphs (2) and (3), for “Regulation P1”, substitute “Subject to sub-paragraph (8), regulation P1”;
- (b) after sub-paragraph (7)(14), 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—
- (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.

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

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

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

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(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)(**15**), in sub-paragraphs (2), (3), (4) (four times), (5), (6), (7) and (15)(twice), omit “Trust or”.