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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 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(1);”;

““the 2010 Regulations” means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(2);”;

““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(3) 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;” and

““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”(4) and “APMS contractor”(5) for—

(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”(6), in paragraph (c)—

(i) omit “a Primary Care Trust or”,

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(1) 2008 c. 30.

(2) S.I. 2010/772.

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

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

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

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

- (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”(7)—
  - (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”(8), “GMS practice”(9), “medical performers list”(10), “ophthalmic provider”(11) and “PMS practice”(12), for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (e) “GP performer”(13)—
  - (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”(14)—
  - (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”(15) for “a Primary Care Trust, nor a Strategic Health Authority”, substitute “the National Health Service Commissioning Board”;

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(7) 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).

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

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

(10) 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).

(11) 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).

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

(13) 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).

(14) 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).

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

- (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”(16)—
  - (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”(17); and
  - (b) “vocational trainee”(18).
- (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;”.

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

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

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