
STATUTORY INSTRUMENTS

2019 No. 418

**The National Health Service Pension Schemes,
Additional Voluntary Contributions and Injury
Benefits (Amendment) Regulations 2019**

PART 2

Amendments to the National Health Service Pension Scheme Regulations 1995

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) After the definition of “the 2015 Scheme”(2) insert—
- ““the 2016 Order” means the Pensions Act 2014 (Contributions Equivalent Premium) (Consequential Provision) and (Savings) (Amendment) Order 2016(3);”.
- (3) At the appropriate place in the alphabetical order insert—
- ““scheme partner” has the meaning given in regulation G14(7);
- “surviving scheme partner” has the meaning given in regulation G14(8);”.
- (4) For the definition of “contracting-out requirements” substitute
- ““contracting-out requirements” means the requirements mentioned in—
- (a) paragraphs 1(a)(ii) and (2) of regulation 18 (payment of a lump sum instead of a pension);
- and
- (b) paragraphs (5) and (6) of regulation 25 (payment of lump sum instead of a pension),
- of the Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015(4);”.
- (5) For the definition of “NHS standard sub-contract”(5) substitute—

(1) [S.I. 1995/300](#). Relevant amending instruments are [S.I. 2005/661](#), [2008/654](#), [2009/381](#), [2010/234](#), [2010/1634](#), [2011/2586](#), [2013/413](#), [2014/570](#), [2015/96](#), [2016/245](#) and [2017/275](#).

(2) The definition of “the 2015 Scheme” was inserted by regulations 2 and 3 of [S.I. 2015/96](#).

(3) [S.I. 2016/252](#).

(4) [S.I. 2015/1677](#).

(5) This definition was inserted by regulations 2 and 3(d) of [S.I. 2016/245](#) and amended by regulations 2 and 3(3) of [S.I. 2017/275](#).

““NHS standard sub-contract” means a sub-contract that complies with the National Health Service Commissioning Board’s guidance “NHS Standard Sub-Contract for the Provision of Clinical Services 2017/18 and 2018/19 (full length and shorter-form versions) Guidance”(6);”.

(6) For the definition of “officer” substitute—

““officer” means a person employed by an employing authority including a GP Registrar and a non-GP provider, but does not include—

- (a) a GP performer;
- (b) a dentist performer;
- (c) a person engaged under a contract for services;”.

(7) For the definition of “section 9(2B) rights” substitute—

““section 9(2B) rights” has the same meaning given in the Occupational Pension Schemes (Schemes that were Contracted-out) (No. 2) Regulations 2015;”.

(8) Omit the definition of “CCT(7)”.

Amendment of regulation D1

4. In regulation D1 (contributions by members), in paragraph (1A)(8), for—

- (a) “of the scheme years 2015-2016 to 2018-2019 inclusive”, substitute “scheme year from 2015-2016”;
- (b) the heading to the table, substitute “Scheme Years from 2015-16”.

Amendment of regulation D2

5. In regulation D2 (contributions by employing authorities), in paragraph (2), for “14.3%” substitute “20.6%”(9).

Amendment of regulation D3

6. In regulation D3 (further contributions by employing authorities in respect of excessive pay increases), after paragraph (19A) insert—

“(19B) An increase in a member’s pensionable pay pursuant to the “Framework agreement on the reform of Agenda for Change” adopted on 27 June 2018(10) is to be ignored for the purposes of this regulation.”.

Amendment of regulation E1

7. In regulation E1 (normal retirement pension), in paragraph (4), for “consistent” to the end substitute—

“consistent with—

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- (6) Electronic copies of the guidance referred to in that definition can be obtained from www.england.nhs.uk. E-mail: england.contactus@nhs.net. Hard copies may be obtained from NHS England at: NHS Customer Contact Centre, NHS England, PO Box 16738, Redditch, B97 9PT. Tel: 0300 311 2233.
 - (7) This definition was inserted by regulation 2(b) of [S.I. 2005/661](#) and amended by article 7 and paragraph 16 of Schedule 3 to [S.I. 2010/234](#).
 - (8) Paragraph (1A) was inserted by regulation 7(1) and (2) of [S.I. 2008/654](#) and amended by regulations 2 and 5(1) and (2) of [S.I. 2015/96](#).
 - (9) Paragraph (2) was amended by regulations 2 and 4 of [S.I. 2010/1634](#) and regulations 2 and 7(1) and (2) of [S.I. 2015/96](#).
 - (10) The Framework agreement covers the years from 1 April 2018 to 31 March 2021 and sets out, in Annex A, the new pay structure for those years. The Framework agreement can be found at www.nhsemployers.org/your-workforce/2018-contract-refresh/framework-agreement. Hard copies can be obtained from the NHS Pensions team, Department of Health and Social Care, Quarry House, Leeds, LS2 7UE.

- (a) the contracting-out requirements; and
- (b) the preservation requirements.”.

Amendment of regulation E2

8. In regulation E2 (early retirement pension (ill-health)), in paragraph (7), for “consistent” to the end substitute—

“consistent with—

- (a) the contracting-out requirements; and
- (b) the preservation requirements.”.

Amendment of regulation E2A

9. In regulation E2A (ill health pension on early retirement), in paragraph (7), for “consistent” to the end substitute—

“consistent with—

- (a) the contracting-out requirements; and
- (b) the preservation requirements.”.

Amendment of regulation F5

10. In regulation F5 (payment of lump sum), for paragraph (12)(**11**) substitute—

“(12) In this regulation “surviving partner” means—

- (a) a surviving scheme partner; or
- (b) one of the following, who survives the member—
 - (i) a widow;
 - (ii) a widower;
 - (iii) a civil partner.”.

Amendment of regulation G5

11. In regulation G5 (member dies within 12 months after leaving pensionable employment without pension or preserved pension), in paragraph (2), for “section 55(2) of the Pension Schemes Act 1993” substitute “section 55 of the 1993 Act or article 3 of the 2016 Order”.

Amendment of regulation G6

12. In regulation G6 (member marries after leaving pensionable employment), in paragraph (4)—

- (a) for “nominated partner” substitute “scheme partner”;
- (b) for “nominated partner’s pension” substitute “scheme partner’s pension”;
- (c) for “nominated partner pension” substitute “surviving scheme partner’s pension”.

Amendment of regulation G9

13. In regulation G9 (increased widower’s pension), in paragraph (5), in sub-paragraph (b), for “nominated partner” substitute “scheme partner”.

(11) Paragraph (12) was inserted by regulation 17 of [S.I. 2008/654](#).

Amendment of regulation G10

- 14.—(1) Regulation G10 (surviving civil partner’s pension) is amended as follows.
- (2) In paragraph (2), omit “Subject to paragraph (3),”.
- (3) Omit paragraphs (3), (4) and (5).

Omission of regulation G11

15. Omit regulation G11 (dependent surviving civil partner’s pension).

Omission of regulation G12

16. Omit regulation G12 (purchase of surviving civil partner’s pension in respect of service prior to 6th April 1988).

Omission of regulation G13

17. Omit regulation G13 (increased surviving civil partner’s pension).

Amendment of regulation G14

18. For regulation G14(12) (surviving nominated partner’s pension), substitute—

“Surviving scheme partner’s pension

- G14.**—(1) This regulation applies on the death of a member, if—
- (a) the member has pensionable service on or after 1st April 2008,
- (b) the member dies in any of the circumstances described in regulations G2 to G6, and
- (c) the member leaves a surviving scheme partner.
- (2) Where this regulation applies, a surviving scheme partner is entitled to a surviving scheme partner’s pension.
- (3) A surviving scheme partner’s pension is calculated and paid—
- (a) in accordance with regulations G1 to G6, as they apply to pensions for widows, and
- (b) excluding any part of the member’s benefit that is based on pensionable service before 6th April 1988.
- (4) Paragraph 3(b) is subject to the following—
- (a) if regulation G2(3) or (3C) or regulation G4(2) or (2A) applies to the calculation of a surviving scheme partner’s pension on a member’s death in pensionable employment or with a preserved pension—
- (i) the whole of the member’s pensionable service is taken into account when calculating whether and, if so, the extent to which there would have been an increase, by the application of regulation E2(3) or regulation E2A(4), in the pensionable service on which the member’s pension, under regulation E2 or regulation E2A, would have been based, and

- (ii) the whole period, if any, by which the member's pension would have increased, is treated, in this regulation, as pensionable service after 5th April 1988 for the purpose of calculating a surviving scheme partner's pension;
 - (b) if regulation G3(2) applies, so that the surviving scheme partner's pension is equal to the member's pension for a limited period, the surviving scheme partner's pension for that limited period is equal to the whole of the member's pension.
- (5) If regulation G6 applies, paragraph (1) of that regulation applies as if the words "where the member and his wife were not married to each other during any period of pensionable employment" read "if the Secretary of State is not satisfied that a member's partner was the member's scheme partner for a continuous period of at least two years ending on the member's last day of pensionable service".
- (6) A reference in these Regulations to regulation G1 to G6 means, in relation to benefits in respect of a member who has a scheme partner, those regulations as applicable to the member's surviving scheme partner.
- (7) A person (P) is the scheme partner of a member if —
- (a) the member and P are living together as if they were husband and wife or civil partners,
 - (b) the member and P are not prevented from marrying or entering into a civil partnership,
 - (c) the member and P are financially interdependent or P is financially dependent on the member, and
 - (d) neither the member nor P is living with a third person as if they were husband and wife or as if they were civil partners.
- (8) A person is a surviving scheme partner of a member if the Secretary of State is satisfied that for a continuous period of at least two years, ending with the member's death, the person was the scheme partner of that member."

Amendment of regulation G15

19.—(1) Regulation G15 (dependent surviving nominated partner's pension) is amended as follows.

- (2) In the heading for "nominated partner's" substitute "scheme partner's".
- (3) For paragraph (1), substitute—
 - "(1) A member may apply for the member's scheme partner to receive a dependent surviving scheme partner's pension on the member's death.
 - (1A) An application must—
 - (a) be made by the member giving notice in writing to the Secretary of State before leaving pensionable employment, and
 - (b) be in relation to a person who has been the member's scheme partner for a continuous period of at least two years on the member's last day of pensionable service."
- (4) In paragraph (2) for "nominated partner" substitute "scheme partner".
- (5) For paragraph (3), substitute—
 - "(3) If the Secretary of State has accepted a member's application and the member subsequently dies before the member's scheme partner, a scheme partner entitled to a surviving scheme partner's pension is entitled to a dependent surviving scheme partner's pension."

- (6) In paragraph (4) for “nominated partner’s” substitute “scheme partner’s”.
- (7) In paragraph (5) for “nominated partner’s” substitute “scheme partner’s”.
- (8) In paragraph (6) for “nominated partner” substitute “scheme partner”.

Amendment of regulation G16

20. In regulation G16 (purchase of surviving partner’s pension in respect of service before 6th April 1988), in paragraph (5), omit sub-paragraph (b).

Amendment of regulation G17

- 21.** In regulation G17 (increased surviving partner’s pension), in paragraph (2)—
- (a) omit “, civil partner”;
 - (b) for “nominated partner” substitute “surviving scheme partner”;
 - (c) omit “, regulation G10”.

Amendment of regulation H1

- 22.** In regulation H1 (dependent child), in paragraph (1)—
- (a) in sub-paragraph (c) for “nominated partner” substitute “surviving scheme partner”;
 - (b) for sub-paragraph (e) substitute—
 - “(e) a child of a member’s surviving scheme partner if the Secretary of State is satisfied that the surviving scheme partner was the member’s scheme partner before the date on which the member leaves pensionable employment;”.

Amendment of regulation H3

- 23.—**(1) Regulation H3 (member dies in pensionable employment)(**13**) is amended as follows.
- (2) In paragraph (4A) for “nominated partner” substitute “scheme partner”.
 - (3) In paragraph (4B)—
 - (a) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”;
 - (b) for “nominated partner” substitute “scheme partner”.
 - (4) In paragraph (4C)—
 - (a) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”;
 - (b) for “nominated partner” substitute “scheme partner”.
 - (5) In paragraph (4D) for “nominated partner” substitute “scheme partner”.
 - (6) In paragraph (4E) for “nominated partner” substitute “scheme partner”.

Amendment of regulation H4

- 24.—**(1) Regulation H4 (member dies after pension becomes payable) is amended as follows.
- (2) In paragraph (3) for “nominated partner”(14) substitute “scheme partner”.
 - (3) In paragraph (4)(15) for “nominated partner” substitute “scheme partner”.
 - (4) In paragraph (5)—

(13) Paragraphs (4A) to (4E) were inserted by regulation 31(1) and (4) of [S.I. 2008/654](#).

(14) “Nominated partner” was inserted by regulation 32(1) and (3) of [S.I. 2008/654](#).

(15) Regulation H4(4) was amended by regulations 2 and 12 of [S.I. 2013/413](#).

- (a) for “nominated partner”(16) substitute “scheme partner”;
- (b) for “surviving nominated partner’s pension”(17) substitute “surviving scheme partner’s pension”;
- (5) In paragraph (6)(18)—
 - (a) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”;
 - (b) for “surviving nominated partner” substitute “surviving scheme partner”.
- (6) In paragraph (7)(19)—
 - (a) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”;
 - (b) for “surviving nominated partner” substitute “surviving scheme partner”.

Amendment of regulation H5

- 25.**—(1) Regulation H5 (member dies with preserved pension) is amended as follows.
- (2) In paragraph (4)(20) for “nominated partner” substitute “scheme partner”.
 - (3) In paragraph (5)(21) for “nominated partner” substitute “scheme partner”.
 - (4) In paragraph (6)(22)—
 - (a) for “nominated partner” substitute “scheme partner”;
 - (b) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”.

Amendment of regulation H7

- 26.**—(1) Regulation H7 (dependent child not being maintained by surviving parent or spouse or civil partner or nominated partner of a parent) is amended as follows.
- (2) In the heading(23) for “nominated partner” substitute “scheme partner”.
 - (3) In paragraph (1)(24) for each reference to “nominated partner” substitute “scheme partner”.
 - (4) In paragraph (2)(25) for “nominated partner” substitute “scheme partner”.

Amendment of regulation K1

- 27.** In regulation K1 (contracting-out conditions to be overriding), in paragraph (3), for subparagraph (a) substitute—
- “(a) “contracting-out conditions” means—
 - (i) the conditions specified in section 12E of the 1993 Act; and
 - (ii) the conditions or requirements that apply in respect of a member’s section 9(2B) rights;”.

(16) “Nominated partner” was inserted by regulation 8(b)(i) of [S.I. 2009/381](#).
(17) “Surviving nominated partner’s” was inserted by regulation 8(b)(ii) of [S.I. 2009/381](#).
(18) As amended by regulation 8(c)(i) and (ii) of [S.I. 2009/381](#).
(19) As amended by regulation 8(d)(i) and (ii) of [S.I. 2009/381](#).
(20) “Nominated partner” was inserted by regulation 33(1) and (5)(a) of [S.I. 2008/654](#).
(21) “Nominated partner” was inserted by regulation 33(1) and (5)(a) of [S.I. 2008/654](#).
(22) As amended by regulation 33(1), (6)(a) and (b) of [S.I. 2008/654](#).
(23) As amended by regulation 34(1) of [S.I. 2008/654](#).
(24) As amended by regulation 34(2) of [S.I. 2008/654](#).
(25) As amended by regulation 34(2) of [S.I. 2008/654](#).

Amendment of regulation K4

- 28.** In regulation K4 (early leavers), in paragraph (3), for sub-paragraph (a) substitute—
- “(a) a state scheme premium under section 55 of the 1993 Act or article 3 of the 2016 Order.”.

Amendment of regulation K7

- 29.**—(1) Regulation K7 (state scheme premiums) is amended as follows.
- (2) For paragraph (1) substitute—
- “(1) The Secretary of State may discharge the liability to provide any guaranteed minimum pension by paying a state scheme premium under section 55 of the 1993 Act or article 3 of the 2016 Order.”.
- (3) In paragraph (2), for “section 55(2) of the Pension Schemes Act 1993” substitute “section 55 of the 1993 Act or article 3 of the 2016 Order”.

Amendment of regulation L1

- 30.** In regulation L1 (preserved pension), in paragraph (5), for “consistent” to the end substitute—
- “consistent with—
- (a) the contracting-out requirements; and
- (b) the preservation requirements.”.

Amendment of regulation L2

- 31.** In regulation L2 (refund of contributions), in paragraph (3), for “section 55(2) of the 1993 Act” substitute “section 55 of the 1993 Act or article 3 of the 2016 Order”.

Amendment of regulation Q1

- 32.**—(1) Regulation Q1 (right to buy additional service) is amended as follows.
- (2) Omit paragraph (5A).
- (3) In paragraph (5B)(**26**)—
- (a) for “nominated partner’s pension” substitute “scheme partner’s pension”;
- (b) for “nominated partner” substitute “surviving scheme partner”.

Amendment of regulation Q5

- 33.**—(1) Regulation Q5 (paying for unreduced retirement lump sum by single payment) is amended as follows.
- (2) Omit paragraph (2A).
- (3) In paragraph (2B)—
- (a) for each reference to “nominated partner” substitute “scheme partner”;
- (b) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(26) Paragraph (5B) was inserted by regulation 45(1) and (5) of [S.I. 2008/654](#).

Amendment of regulation R3

34. In regulation R3 (mental health officers), in paragraph (7), in sub-paragraph (b) for “nominated partner’s pension” substitute “scheme partner’s pension”.

Amendment of regulation S4

35.—(1) Regulation S4 (benefits on death in pensionable employment after pension under regulation E2 becomes payable) is amended as follows.

(2) In paragraph (4) for each reference to “nominated partner” substitute “scheme partner”.

(3) In paragraph (6)(b)(**27**) for “nominated partner” substitute “scheme partner”.

(4) In paragraph (10)(**28**) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(5) In paragraph (11)(**29**) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(6) In paragraph (12)(b)(**30**) for “nominated partner pension” substitute “surviving scheme partner’s pension”.

Amendment of regulation S4A

36.—(1) Regulation S4A(**31**) (benefits on death in pensionable employment after pension under regulation E2A becomes payable) is amended as follows.

(2) In paragraph (7) for each reference to “nominated partner” substitute “scheme partner”.

(3) In paragraph (9)(b) for “nominated partner” substitute “scheme partner”.

(4) In paragraph (12) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”.

(5) In paragraph (13) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(6) In paragraph (14) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(7) In paragraph (15) for “nominated partner” substitute “scheme partner”.

Amendment of regulation T6

37.—(1) Regulation T6 (loss of rights to benefits) is amended as follows.

(2) In paragraph (1A) for “nominated partner” substitute “scheme partner”.

(3) After paragraph (2), insert—

“(3) If, on or after 1st April 2019, a member is—

(a) charged with an offence; or

(b) convicted of an offence,

which, in the opinion of the Secretary of State, may lead to all or part of the member’s benefits being forfeited under paragraph (1), the Secretary of State may make a suspension decision in accordance with paragraphs (5) to (10) of this regulation.

(4) If, on or after 1st April 2019, any of the persons referred to in sub-paragraphs (a) to (d) of paragraph (1A) are charged with, or convicted of an offence which, in the opinion

(27) Paragraph (6) was amended by regulation 60 of [S.I. 2008/654](#).

(28) Paragraph (10) was inserted by regulation 60 of [S.I. 2008/654](#).

(29) Paragraph (11) was inserted by regulation 60 of [S.I. 2008/654](#).

(30) Paragraph (12) was inserted by regulation 60 of [S.I. 2008/654](#).

(31) Regulation S4A was inserted by regulation 61 of [S.I. 2008/654](#).

of the Secretary of State, may lead to all or part of any rights to benefits or other amounts payable in respect of a member being forfeited under that paragraph, the Secretary of State may make a suspension decision in accordance with paragraphs (5), (6), and (11) to (14) of this regulation.

(5) A suspension decision is a decision of the Secretary of State suspending the right to, and the payment of, all or part of any benefit or other amounts payable—

- (a) which the member is in receipt of, or becomes entitled to,
- (b) in respect of a member,

under these Regulations.

(6) If the Secretary of State makes a suspension decision under paragraph (3) or (4), that decision will continue to apply—

- (a) until the date of any direction made by the Secretary of State under this regulation; or
- (b) where the Secretary of State determines not to direct forfeiture under this regulation, the date of that decision.

(7) Paragraph (8) applies if—

- (a) the Secretary of State makes a suspension decision under paragraph (3) in respect of a member otherwise entitled to the payment of a pension under Part E or L of these Regulations; and
- (b) the Secretary of State subsequently determines not to issue a direction under paragraph (1).

(8) The Secretary of State will pay to the member described in paragraph (7) an amount equal to the total amount of the benefit payments suspended together with the interest due under regulation T8 (interest on late payment of benefits).

(9) Paragraph (10) applies if—

- (a) the Secretary of State makes a suspension decision under paragraph (3) in respect of a member otherwise entitled to the payment of a pension under Part E or L of these Regulations; and
- (b) the Secretary of State subsequently directs forfeiture of an amount less than the total amount suspended.

(10) The Secretary of State will pay to the member described in paragraph (9) an amount equal to the difference between the total amount of the benefit payments suspended and the amount forfeited together with the interest due under regulation T8 (interest on late payment of benefits).

(11) Paragraph (12) applies if—

- (a) the Secretary of State makes a suspension decision under paragraph (4); and
- (b) the Secretary of State subsequently determines not to issue a direction under paragraph (1A) in respect of the benefits to which that decision relates.

(12) The Secretary of State will pay to the person to whom paragraph (4) applies an amount equal to the total amount of the benefit payments suspended together with the interest due under regulation T8 (interest on late payment of benefits).

(13) Paragraph (14) applies if—

- (a) the Secretary of State makes a suspension decision under paragraph (4); and
- (b) the Secretary of State subsequently directs forfeiture of an amount less than the total amount suspended.

(14) The Secretary of State will pay to the person described in paragraph (4) an amount equal to the difference between the total amount of the benefit payments suspended and the amount forfeited together with the interest due under regulation T8 (interest on late payment of benefits).”.

Amendment of regulation U1A

38. In regulation U1A (determinations by medical practitioners), in paragraph (1), in sub-paragraph (b) omit “, regulation G11(2)”.

Amendment of regulation U3

39. In regulation U3 (accounts and actuarial reports), in paragraph (9) before “An employing authority”, insert “If the Secretary of State so requests,”.

Amendment of Schedule 2

40.—(1) Schedule 2 (medical and dental practitioners) is amended as follows.

(2) In paragraph 3 (meaning of pensionable earnings), in sub-paragraph (2), in paragraph (e)(**32**), before “health-related functions” insert “payments made to such a person by an employing authority or a local authority in respect of”.

(3) In paragraph 10 (contributions to this Section of the scheme)—

(a) in sub-paragraph (1A)(**33**) for—

(aa) paragraph (b) substitute “(b) in respect of each scheme year from 2015-2016, table 2.”;

(bb) the heading to table 2 substitute “Scheme Years from 2015-2016”.

(b) in sub-paragraph (2S), for “NDPS is the number of days of dentist performer service from the date the dentist performer service commenced in the scheme year to the end of the scheme year”(34) substitute “NDPS is the number of days of dentist performer’s service in the scheme year”.

(4) Omit paragraph 16A (increased surviving civil partner’s pension).

(5) In paragraph 16B(**35**) (increased dependent surviving nominated partner’s pension) for the words “nominated partner’s pension” in each place they occur substitute “scheme partner’s pension”.

(6) In paragraph 23 (accounts and actuarial reports) after sub-paragraph (14)(**36**) insert—

“(14A) If an employing authority, GDS or PDS contractor does not provide the statement referred to in sub-paragraph (12) in accordance with sub-paragraph 14(a), the member contributions in respect of the members of that employing authority or contractor referred to in sub-paragraphs (12)(a) to (e), will be payable at the maximum contribution percentage rate specified in column 2 of table 2 in paragraph 10(1A) of this Schedule based on estimated pensionable pay as determined by the host Board.”.

Amendment of Schedule 2B

41. In Schedule 2B (independent providers)(**37**), for paragraph 41 substitute—

(32) Inserted by regulations 2 and 21(1) and (4)(c) of [S.I. 2013/413](#).

(33) As inserted by regulations 2 and 15(1) and (2) of [S.I. 2015/96](#).

(34) Sub-paragraph (2S) was inserted by regulation 16(1) and (7)(b) of [S.I. 2014/570](#).

(35) Paragraph 16B was inserted by regulation 65(1) and (13) of [S.I. 2008/654](#).

(36) Sub-paragraph (14) was inserted by regulations 2 and 12(1) and (7) of [S.I. 2011/2586](#).

(37) Schedule 2B was inserted by regulation 17 of [S.I. 2014/570](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“41. If an Independent Provider fails to pay an employer contribution surcharge, that provider is liable to pay the supplementary charge and interest referred to in regulation T9 and interest is to continue to accrue on the late paid surcharge for so long as it remains unpaid and further supplementary charges may be levied in respect of it.”.