
STATUTORY INSTRUMENTS

2000 No. 619

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service Pension Scheme
(Additional Voluntary Contributions) Regulations 2000**

<i>Made</i>	- - - -	<i>16th March 2000</i>
<i>Laid before Parliament</i>		<i>20th March 2000</i>
<i>Coming into force</i>	- -	<i>10th April 2000</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 10(1), (2), (2A) and (3) and 12(1) of, and Schedule 3 to, the Superannuation Act 1972⁽¹⁾, and of all other powers enabling him in that behalf, after consulting such representatives of persons likely to be affected by these Regulations as appear to him to be appropriate⁽²⁾ and with the consent of the Treasury⁽³⁾, hereby makes the following Regulations:

**PART I
PRELIMINARY**

Citation, commencement and retrospective effect

1.—(1) These Regulations may be cited as the National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000.

(2) These Regulations shall come into force on 10th April 2000.

(3) The following regulations shall have effect from 1st February 1991⁽⁴⁾—

(a) regulations 1 to 10;

(1) 1972 c. 11; subsection (1)(a) of section 10 was amended by the National Health Service Reorganisation Act 1973 (c. 32), Schedule 5; subsection (1) was amended, and subsection (2A) was inserted, by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), sections 4(2) and 8(5).

(2) See section 10(4) of the Superannuation Act 1972.

(3) See section 10(1) of the Superannuation Act 1972, and article 2 of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I.1981/1670).

(4) See section 12(1) of the Superannuation Act 1972 which provides that regulations may be framed so as to have effect from a date earlier than that of their making.

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- (b) regulations 11(1) to (5), (7) and (8);
 - (c) regulations 12 to 18; and
 - (d) regulation 21.
- (4) Regulation 11(6) shall have effect from 1st December 1999.

Commencement Information

II Reg. 1 in force at 10.4.2000, see [reg. 1\(2\)](#)

Interpretation

2.—(1) In these Regulations—

[^{F1}“the 1993 Act” means the Pension Schemes Act 1993;]

[^{F1}“the 1999 Act” means the Welfare Reform and Pensions Act 1999;]

[^{F1}“the AVC scheme” means the scheme whose rules are set out in these Regulations;]

“the Pension Scheme Regulations” means the National Health Service Pension Scheme Regulations 1995⁽⁵⁾;

^{F2} ...

“the Taxes Act” means the Income and Corporation Taxes Act 1988⁽⁶⁾;

[^{F1}“appropriate rights” means rights which are described in paragraph 5 of Schedule 5 to the 1999 Act (pension credits: mode of discharge—appropriate rights);]

“approved scheme” means a retirement benefit scheme approved under Chapter I of Part XIV of the Taxes Act (retirement benefit schemes);

“authorised fund” means a fund managed by an authorised provider selected by the Secretary of State for the purposes of these Regulations;

“authorised provider” has the meaning given to it by sections 10(6) of the Superannuation Act 1972⁽⁷⁾;

“child” means a child who qualifies for a child’s allowance under regulation H2 of the Pension Scheme Regulations;

“contributor” means a person in respect of whom an election under regulation 3(1) has effect;

“date of retirement” means the date on which benefits become payable to the participator under regulations E1 to E5 or regulation L1, of those Regulations⁽⁸⁾;

“dependant” means—

- (a) a surviving spouse of a participator (providing the marriage was not, prior to 6th March 1995, subject to an order of judicial separation);
- (b) any surviving child of a participator; or
- (c) any person in whose favour a participator has made an election under regulation J1 of the Pension Scheme Regulations (allocation of pension);

(5) S.I. 1995/300 as amended by S.I. 1997/80, 1997/1888, 1998/666, 1998/2216 and 2000/605.

(6) 1988 c. 1.

(7) Subsection (6) was added to section 10 by section 8(6) of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) and was amended by section 190 of, and paragraph 7 of Schedule 8 to, the Pension Schemes Act 1993 (c. 48).

(8) Regulation E2 was amended by S.I. 1998/666, and regulations E3 and E4 were amended by S.I. 1997/1888, 1998/666, 1998/2216 and 2000/605.

“dependant’s pension” means a pension which becomes payable to a dependant on the death of a participator;

[^{F1}“eligible member” has the meaning given by section 101P(1) of the 1993 Act;]

“free-standing additional voluntary contributions scheme” means an approved scheme which falls within section 591(2)(h) of the Taxes Act (discretionary approval);

“the Index” at any time means the Retail Price Index, or any successor agreed as appropriate by the Board of Inland Revenue, for the calendar month three months prior to that time;

^{F3}
...

[^{F4}“insurer” means—

- (a) a person with permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to effect or carry out contracts of long-term insurance;]

“lump sum death benefit” means a lump sum which will become payable in the event of a person’s death while paying contributions to provide for it;

[^{F1}“NHS Pension Scheme” means the National Health Service Pension Scheme for England and Wales, the rules of which are set out in the Pension Scheme Regulations;]

[^{F1}“normal benefit age”, in relation to the AVC scheme, means the age of 60;]

“participator” means—

- (a) a contributor who has made benefits election under regulation 11(3);
- (b) a contributor who has died;
- (c) a person who has ceased to be a contributor but has not exercised any right to receive a cash equivalent within the meaning of section 94 of the Pension Schemes Act 1993⁽⁹⁾ or to be paid a lump sum under regulation 14; or
- (d) a person in respect of whom investments have been made under regulation 7(1), 8(2) or 9(4);

“pensionable employment” means NHS employment in respect of which a person contributes to the NHS Pension Scheme, or such other employment as the Secretary of State may approve for the purposes of a direction under section 7(2) of the Superannuation (Miscellaneous Provisions) Act 1967⁽¹⁰⁾;

“pensionable service” is to be construed in accordance with regulation C2 of the Pension Scheme Regulations;

[^{F1}“pension credit” means a credit under section 29(1)(b) of the 1999 Act and includes a credit under corresponding Northern Ireland legislation;]

[^{F1}“pension credit benefit” has the meaning given by section 101B of the 1993 Act;]

[^{F1}“pension credit member” has the meaning given by section 124(1) of the Pensions Act 1995;]

[^{F1}“pension credit rights” has the meaning given by section 101B of the 1993 Act;]

“personal pension scheme” means a scheme approved under Chapter IV and Part XIV of the Taxes Act;

⁽⁹⁾ 1993 c. 48. Section 94 was amended by section 154 of the Pensions Act 1995 (c. 26).

⁽¹⁰⁾ 1967 c. 28. Section 7(2) was amended by section 10(5) and 29(1) of, and paragraph 66(b) of Schedule 6 to, the Superannuation Act 1972.

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“retirement” is to be construed in accordance with the Pension Scheme Regulations;
“retirement benefits scheme” has the meaning given in section 611 of the Taxes Act;
“salary” means all salary, wages, fees and other payments paid or made to a person for his own use in respect of his employment.

(2) Subject as aforesaid and except where the context otherwise requires, other expressions in these Regulations have the same meaning as in the Pension Scheme Regulations.

[^{F5}(3) The definition of “insurer” in paragraph (1) above must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

Textual Amendments

- F1** Words in [reg. 2](#) inserted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), [reg. 1](#), [Sch. 2 para. 2\(a\)](#)
- F2** Words in [reg. 2](#) omitted (1.5.2001) by virtue of [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), [reg. 1](#), [Sch. 2 para. 2\(b\)](#)
- F3** Words in [reg. 2\(1\)](#) omitted (1.12.2001) by virtue of [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), [arts. 1](#), [589\(2\)](#)
- F4** Words in [reg. 2\(1\)](#) inserted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), [arts. 1](#), [589\(2\)](#)
- F5** [Reg. 2\(3\)](#) inserted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), [arts. 1](#), [589\(3\)](#)

Commencement Information

- I2** [Reg. 2](#) in force at 10.4.2000, see [reg. 1\(2\)](#)

PART II

ADDITIONAL VOLUNTARY CONTRIBUTIONS

Making and acceptance of elections

3.—(1) Subject to paragraph (3), a person in pensionable employment may elect to pay contributions under these Regulations for one or both of the following purposes—

- (a) for investment under regulation 7(1) to provide for an annuity payable on retirement; or
- (b) in accordance with regulation 7(2) to provide for a lump sum death benefit.

(2) An election under paragraph (1) may relate to contributions to be paid by, or on behalf of, the contributor, or contributions to be paid by the contributor’s employer, or both.

(3) If the person making an election—

- (a) under paragraph (1)(b) is on leave of absence from his employment due to ill health on the date on which the notice of such an election is received by the Secretary of State; or

(b) under paragraph (1)(a) or (b) is not receiving tax relief under section 594(1) of the Taxes Act(11) (exempt statutory schemes) or otherwise in respect of contributions paid under regulation D1 of the Pension Scheme Regulations (contributions by members)(12) on the date on which the notice of such an election is received by the Secretary of State, such an election shall not have effect.

(4) An election under paragraph (1) shall be made by giving written notice to the Secretary of State which shall specify—

- (a) whether the election is with a view to investment under regulation 7(1) of regulation 7(2), or both;
- (b) the amount of contributions; and
- (c) in relation to contributions for the purpose of investment under regulation 7(1), the authorised fund or funds in which the contributions are to be invested.

(5) The Secretary of State shall not accept an election under paragraph (1)—

- (a) where any limit imposed by regulation 4(4) or (5), or 13 (limits on contributions and benefits) would be exceeded; or
- (b) in the case of an election for the purposes of paragraph (1)(b), unless he is satisfied that—
 - (i) the person making the election has complied with the requirements of regulation 16(2) (provision of information); and
 - (ii) at the time of making an election the person is in good health; and
 - (iii) there is not reason why his health should prevent him from making contributions.

(6) Subject to paragraph (5)(b) above and regulation 4(4)—

- (a) where contributions are paid for the purposes of paragraph (1)(b)—
 - (i) until the contributor reaches his 60th birthday; and
 - (ii) on reaching his 60th birthday he continues to be in pensionable employment, the contributor may elect for further contributions to be paid until he reaches his 61st birthday; and
- (b) a person to whom paragraph (a) above applies may continue to elect annually for further contributions to be paid provided he continues to be in pensionable employment.

(7) For the purposes of paragraph (1) or (6) of this regulation, an election shall have effect from the date when it is accepted by the Secretary of State.

(8) The Secretary of State shall notify in writing the person who has made an election under paragraph (1), of the Secretary of State's acceptance of that election.

Commencement Information

I3 Reg. 3 in force at 10.4.2000, see [reg. 1\(2\)](#)

Payment and amount of additional voluntary contributions

4.—(1) Contributions under these Regulations may be made by way of—

- (a) periodical payments on a weekly, monthly, quarterly, or any other basis, depending upon when the contributor's salary is paid; or

(11) Section 594 was amended by section 75 of, and paragraphs 1, 6, 18(1) and (4) of Part I of Schedule 6 to, the Finance Act 1989 (c. 26).

(12) Regulation D1 was amended by S.I. 1998/2216.

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- (b) a single payment.
- (2) The contributor's employer may deduct any amount payable by the contributor from the contributor's salary.
- (3) Deductions from salary made in accordance with paragraph (2) above—
 - (a) shall commence in respect of the first whole pay period falling after the date when the employer receives authorisation from the authorised provider to make the deductions;
 - (b) shall be remitted to the Secretary of State—
 - (i) as soon as is reasonably practicable; or
 - (ii) in the case of deductions to be made on or after the date on which these Regulations come into force, no later than 7 days after their deduction.
- (4) Subject to paragraph (5), in any period of 12 months beginning on 6th April in any year the total contributions payable by the contributor shall not exceed—
 - (a) 15 per cent. of the amount which represents the contributor's salary less the total of any contributions paid by the contributor in respect of that year—
 - (i) to another approved scheme;
 - (ii) to free-standing additional voluntary contributions scheme; or
 - (iii) under the Pension Scheme Regulations;
 - (b) the amount which would be likely to provide benefits of the largest amounts allowed by regulation 13,

whichever is the lesser.
- (5) Where an election has been made under regulation 3(1)(b) to provide for a lump sum death benefit, contributions payable by virtue of that election, or of any further election under regulation 3(6) or 5(2)(a), may not, on or after the date on which the Secretary of State accepts the election under regulation 3(1)(b), be of such an amount as to provide for a lump sum death benefit in excess of the amount permitted under paragraph 19(4) of the Schedule.

Commencement Information

I4 Reg. 4 in force at 10.4.2000, see [reg. 1\(2\)](#)

Variation and cancellation of elections

- 5.—(1)** A contributor who has elected under regulation 3(1)(a) to pay contributions for the purpose of investment under regulation 7(1) may at any time by giving written notice to the Secretary of State—
- (a) subject to regulation 4(4), alter the amount of the contributions;
 - (b) require the whole or part of any future contributions to be invested in some other authorised fund;
 - (c) require the Secretary of State to realise the whole or part of any investments made and to reinvest the proceeds in some other authorised fund; or
 - (d) cancel the election.
- (2) A contributor who has elected under regulation 3(1)(b) to pay contributions to provide a lump sum death benefit under regulation 7(2) may at any time by giving written notice to the Secretary of State—

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- (a) subject to regulation 4(4) and (5) and provided the circumstances described in regulation 3(3) do not exist such that the Secretary of State would not accept an election under regulation 3(1)(b), elect that a specified larger sum is to be secured and the contributions increased accordingly; or
 - (b) cancel the election.
- (3) The Secretary of State shall give effect as soon as is reasonably practicable to the terms of any notice given under this regulation.

Commencement Information

I5 Reg. 5 in force at 10.4.2000, see [reg. 1\(2\)](#)

Circumstances in which elections cease to have effect

6. An election shall cease to have effect where a contributor—
- (a) receives payment of benefits under regulations E1 to E5 or regulation L1, of the Pension Scheme Regulations, except where the contributor is entitled to accrue further benefits in the circumstances described in regulation B3(2) of those Regulations (restriction on further participation in the scheme);
 - (b) leaves pensionable employment;
 - (c) ceases to be in pensionable employment by virtue of an election under regulation B4 of the Pension Scheme Regulations (opting-out of the scheme); or
 - (d) ceases to receive tax relief under section 594(1) of the Taxes Act (exempt statutory schemes) or otherwise in respect of contributions paid under regulation D1 of the Pension Scheme Regulations (contributions by members).

Commencement Information

I6 Reg. 6 in force at 10.4.2000, see [reg. 1\(2\)](#)

Investment of additional voluntary contributions

7.—(1) Any contributions paid in respect of a contributor for investment under this paragraph shall be invested by the Secretary of State in accordance with any notice under regulation 3(4) or 5(1).

(2) Any contributions paid in respect of a contributor to provide for a lump sum death benefit under this paragraph shall be paid by the Secretary of State to an [^{F6}insurer] selected by him so as to secure the payment of a lump sum death benefit of the amount required by any notice under regulation 3(4) or 5(2).

Textual Amendments

F6 Word in [reg. 7\(2\)](#) substituted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), arts. 1, [589\(4\)](#)

Commencement Information

I7 Reg. 7 in force at 10.4.2000, see [reg. 1\(2\)](#)

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Inward transfers

- 8.—(1) Where a person who enters pensionable employment has paid contributions to—
- (a) a free-standing additional voluntary contributions scheme; or
 - (b) an approved scheme which provides additional benefits by virtue of additional voluntary contributions but does not fall within section 591(2)(h) of the Taxes Act (discretionary approval),

that person, whether or not he becomes a contributor within the meaning of these Regulations, may, within 12 months of entering pensionable employment, or such longer period as the Secretary of State may in any particular case allow, give written notice to the Secretary of State that he wishes the Secretary of State to accept from the trustees or managers of that scheme a transfer value representing at least the value of the investments derived from his contributions.

(2) Where a transfer value is accepted by the Secretary of State it shall be invested by him, in accordance with the wishes of the person entering pensionable employment, in one or more of the authorised funds.

(3) Where a transfer value is invested under paragraph (2) the person may at any time, by giving written notice to the Secretary of State, require the Secretary of State to realise the whole or part of the sums so invested and to reinvest the proceeds in a different way.

Commencement Information

I8 Reg. 8 in force at 10.4.2000, see [reg. 1\(2\)](#)

Inward transfers: mis-sold pensions

9.—(1) This regulation shall apply to a person to whom regulation B5 of the Pension Scheme Regulations (opting into the scheme: mis-sold pensions) applies and in respect of whom a transfer payment within the meaning of regulation N3A of those Regulations(**13**) (transfers in respect of members to whom regulation B5 applies who elect to join or rejoin the scheme) has been paid by a personal pension scheme to the Secretary of State.

(2) Subject to paragraph (3), where, at any time, a person to whom this regulation applies elects to join or rejoin the scheme under regulation B4(5) of the Pension Scheme Regulations (joining or rejoining the scheme after opting-out), that person, whether or not he becomes a contributor within the meaning of these Regulations, may, within 12 months of joining or rejoining the scheme, or such longer period as the Secretary of State may in any particular case allow, give written notice to the Secretary of State that he wishes the Secretary of State to accept a transfer value for the purposes of these Regulations.

(3) For the purposes of paragraph (2), the transfer value shall be of an amount representing the difference between—

- (a) the capitalised value of the accrued rights to benefit in the personal pension scheme from which the transfer value is paid which is attributable to contributions made to that scheme by the person referred to in paragraph (1) during his opted-out service; and
- (b) the amount referred to in regulation N3A(2)(i) of the Pension Scheme Regulations (transfers in respect of members to whom regulation B5 applies who elect to join or rejoin the scheme).

(13) Regulations B5 and N3A were inserted by S.I. 1997/80.

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(4) Where a transfer value is accepted by the Secretary of State it shall be invested by him, in accordance with the wishes of the person referred to in paragraph (1), in one or more of the authorised funds.

(5) Where a transfer value is invested under paragraph (4) that person may at any time, by giving written notice to the Secretary of State, require the Secretary of State to realise the whole or part of the sums so invested and to reinvest the proceeds in a different way.

(6) In this regulation—

“opted-out service” means the period of NHS employment in respect of which the Secretary of State has approved an additional period of pensionable service for the purposes of regulation N3A(2)(i) of the Pension Scheme Regulations; and

“personal pension scheme” has the meaning given by regulation B5(4) of the Pension Scheme Regulations.

Commencement Information

19 Reg. 9 in force at 10.4.2000, see [reg. 1\(2\)](#)

Outward transfers

10.—(1) Subject to paragraph (2), the Secretary of State shall, in circumstances where a transfer payment in respect of a person is provided and used in accordance with regulation M1 of the Pension Scheme Regulations (member’s right to transfer or buy-out), pay a transfer value representing the value of the investments made in relation to that person under regulation 7(1), 8(2) or, as the case may be, 9(4) at that person’s option to one of the following schemes in which that person may be participating—

- (a) an approved scheme which provides additional benefits by virtue of additional voluntary contributions but does not fall within section 591(2)(h) of the Taxes Act (discretionary approval);
- (b) a personal pension scheme; or
- (c) any other arrangement which has been approved by the Board of Inland Revenue to accept transfer payments, provided that the transfer value shall not be used to purchase benefits in the form of a tax free lump sum.

(2) Where the Secretary of State is required to make a transfer payment under this regulation, he shall do so by whichever is the earlier of—

- (a) the end of the period of 6 months beginning with the guarantee date; or
- (b) if the person in respect of whom the transfer payment is to be made—
 - (i) is no longer making contributions to the National Health Service Pension Scheme on a date prior to his attaining the age of 59 years; and
 - (ii) made his application for a transfer payment during the period of 6 months beginning with that date,

the date on which he attains the age of 60 years.

(3) In this regulation “the guarantee date” has the meaning given to it in section 93A(2) of the Pension Schemes Act 1993(**14**) (salary related schemes: right to statement of entitlement).

(14) Section 93A was inserted by section 153 of the Pensions Act 1995.

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Commencement Information

110 Reg. 10 in force at 10.4.2000, see [reg. 1\(2\)](#)

PART III

PROVISION OF BENEFITS

Retirement and dependants' pensions

11.—(1) Subject to paragraph (7) and regulation 15(10) and (11), the proceeds of any investment made under regulation 7(1), 8(2) or 9(4) may be used only for the purchase from an [^{F7}insurer] of an annuity which complies with the requirements of paragraph (2).

(2) An annuity complies with the requirements of this paragraph if—

- (a) it provides a retirement pension which commences not earlier than the date of the participator's retirement and is payable to him for life;
- (b) any dependant's pension which is payable under it is payable only on the death of the participator after his retirement and is payable to the dependant for life, except that in the case of a dependant who is a child to whom Part H of the Pension Scheme Regulations (child allowance) applies it shall cease to be payable when that person ceases to be a dependent child within the meaning of those Regulations; and
- (c) it is not capable in whole or in part of surrender, assignment or commutation.

(3) Not earlier than 3 months before the date of his retirement, a participator, by giving written notice to the Secretary of State, shall make a benefits election which shall specify—

- (a) whether only a retirement pension is to be provided;
- (b) for whom, if anyone, a dependant's pension is to be provided;
- (c) if more than one pension is to be provided; either—
 - (i) the proportion of the amount secured by the total investments made under regulation 7(1), 8(2) or 9(4) that is to be applied to the purchase of each of them; or
 - (ii) the dependants' pensions to be provided expressed as a percentage of the retirement pension;
- (d) in respect of every pension to be provided, whether the annual rate of the pension—
 - (i) is to be fixed; or
 - (ii) is to vary in accordance with the Index; or
 - (iii) is to increase yearly by a specified percentage or, if lower than that percentage, by the increase in the Index for the year in question; and
- (e) the authorised provider who is to provide each pension.

(4) In the case of a retirement pension, the notice of election under paragraph (3) may also specify that if the participator dies within the period of 5 years beginning with the date with which the retirement pension commences, the balance that would have been payable during the remainder of that period, if the pension had continued at the rate in force at the time of the participator's death, is to be paid as a lump sum in accordance with regulation 15(3).

(5) Upon receipt of a notice of election under paragraph (3) the Secretary of State shall, as soon as reasonably practicable, realise the investments made under regulation 7(1), 8(2) or 9(4) and apply

the proceeds to the purchase of an annuity from the authorised provider specified in the notice of election.

(6) Notwithstanding whether benefits to which a participator may be entitled under Part E or regulation L1 of the Pension Scheme Regulations (benefits for members or preserved pension) are payable, where a participator's date of retirement falls on or after 1st December 1999 and he has—

- (a) reached the age of 75; and
- (b) failed to give a notice of election under paragraph (3) on or before the date of his 75th birthday,

the Secretary of State may realise the investments made under regulation 7(1), 8(2) or 9(4) and apply the proceeds to the purchase of a pension policy from an [^{F8}insurer] in order to provide such benefits as appear to him to be suitable.

(7) Where the participator dies before retirement, or dies after retirement but before an annuity such as is mentioned in paragraph (5) is acquired, the investments made under regulation 7(1), 8(2) or 9(4) shall be realised and shall be payable as a lump sum in accordance with regulation 15(3), subject to any limit imposed by regulation 13 and paragraph 19 of the Schedule.

(8) If the benefits provided by the annuity purchased in accordance with paragraph (5), when aggregated with the benefits payable under the Pension Scheme Regulations arising from the participator's pensionable service, do not exceed any amount prescribed by regulations for the time being in force under section 21(1) of the Pension Schemes Act 1993 (commutation, surrender and forfeiture), the authorised provider may discharge the liability for payment of the benefits under the annuity by payment of a lump sum representing their capital value in accordance with regulation 15(4).

Textual Amendments

- F7** Word in [reg. 11\(1\)](#) substituted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), arts. 1, **589(4)**
- F8** Word in [reg. 11\(6\)](#) substituted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), arts. 1, **589(4)**

Commencement Information

- I11** Reg. 11 in force at 10.4.2000, see [reg. 1\(2\)](#)

Lump sums on death

12.—(1) Subject to paragraph (2), where a contributor who has elected under regulation 3(1)(b) to pay contributions to provide for a lump sum death benefit dies, the lump sum shall be payable.

(2) Any lump sum payable under paragraph (1) shall not exceed the amount permitted under paragraph 19(4) of the Schedule.

Commencement Information

- I12** Reg. 12 in force at 10.4.2000, see [reg. 1\(2\)](#)

Benefit limits

13.—(1) [^{F9}Schedule 1] shall have effect for limiting the benefits that may be paid under these Regulations.

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(2) The maximum annual rate of a retirement pension or dependant’s pension ascertained from [F9Schedule 1] may be increased—

- (a) by 3 per cent. for each completed year that has elapsed; or
- (b) if a greater increase results, in proportion to the increase in the Index that has occurred,

since the date on which the pension became payable.

(3) The Secretary of State shall comply with the requirements of regulation 5 of the Retirement Benefits Schemes (Restriction on Discretion to Approve) (Additional Voluntary Contributions) Regulations 1993(15) (restriction on discretion to approve—other schemes), and where, within the meaning of those Regulations, the scheme is the “leading scheme” in relation to a member, with the requirements of regulation 6 of those Regulations (calculation of surplus funds) so far as they concern “main schemes” for the purposes of those Regulations.

Textual Amendments

- F9** Words in [reg. 13\(1\)\(2\)](#) substituted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), [reg. 1](#), [Sch. 2 para. 3](#)

Commencement Information

- I13** Reg. 13 in force at 10.4.2000, see [reg. 1\(2\)](#)

PART IV

MISCELLANEOUS PROVISIONS

Repayment of investments in certain cases

14.—(1) In the case of a person who—

- (a) ceases to be employed in pensionable employment; and
- (b) has applied for and received a refund of contributions under regulation L2 of the Pension Scheme Regulations (refund of contributions),

the Secretary of State shall subject to paragraph (2), make arrangements for that person to receive a lump sum equal to the total realisable value of the investments made by the Secretary of State in respect of that person under regulation 7(1), 8(2) or 9(4) less the amount of tax chargeable under section 598 of the Taxes Act (charge to tax: repayment of employee’s contributions)(16), in accordance with regulation 15(4).

(2) Where, in the circumstances mentioned in paragraph (1), contributions have been made by an employer, the Secretary of State shall make arrangements for that employer to receive a lump sum equal to the total realisable value of the investments made by the Secretary of State under regulation 7(1) in respect of contributions made by that employer less the amount of tax chargeable under section 601 of the Taxes Act (charge to tax: payment to employers).

Commencement Information

- I14** Reg. 14 in force at 10.4.2000, see [reg. 1\(2\)](#)

(15) S.I. 1993/3016 as amended by S.I. 1999/1964.

(16) Section 598 was amended by section 75 of, and paragraphs 1, 10 and 18(1) of Part I of Schedule 6 to, the Finance Act 1989.

Payments by the Secretary of State

15.—(1) Subject to paragraph (2), where an authorised provider fails to pay any amount due by way of an annuity or lump sum death benefit to be provided in accordance with these Regulations, the Secretary of State shall be liable to pay that amount.

(2) Where, on or after the date on which these Regulations come into force, a participator [^{F10}or a person entitled to a pension credit] elects for benefits to be provided by an authorised provider other than the provider selected by the Secretary of State, the Secretary of State shall not be liable under paragraph (1).

(3) Lump sums payable as mentioned in regulation 11(4), or under regulation 11(7) or 12 [^{F11}or paragraph 3(2), 8 or 9 of Schedule 2] shall be paid—

- (a) to the deceased's spouse; or
- (b) to the deceased's personal representatives if—
 - (i) there is no spouse; or
 - (ii) a notice has been given in accordance with regulation F5(3) of the Pension Scheme Regulations (payment of lump sum)(^{F17}or, as the case may be, paragraph 11 of Schedule 2 to these Regulations] that the spouse is not to receive the payment.

(4) Lump sums payable under regulation 11(8) or 14(1) shall be paid to the participator.

(5) Subject to paragraph (6) below, if, on the death of a participator, a lump sum would have been payable under regulation 11(7) or 12, but the whole or part of that sum cannot be paid by reason of regulation 13 and paragraph 19 of [^{F13}Schedule 1], any amount which cannot be paid under these provisions shall be used for the purchase of annuity which complies with the provisions of regulation 11(2)(b) and (c) to provide a pension for—

- (a) the spouse of the participator, but if none is living;
- (b) any dependant child of the participator.

(6) In relation to paragraph (5) above any such pension shall be—

- (a) subject to any limit imposed by regulation 13 and paragraph 18 of [^{F13}Schedule 1]; and
- (b) paid to the deceased's personal representatives after any amount of tax chargeable under section 599A of the Taxes Act(^{F18}) (charge to tax: payments out of surplus funds) has been deducted from—
 - (i) any amount remaining after the purchase of such a pension; or
 - (ii) the whole amount if no person who is mentioned in paragraph (5)(a) or (b) above is living.

(7) If, by reason of regulation 13 and paragraphs 11 to 18 of [^{F13}Schedule 1], an annuity falling to be provided under regulation 11 is not payable in full, there shall, subject to paragraph (8), be paid to the participator the balance of the amount, or aggregate of amounts, not exceeding the prescribed amount as defined in paragraph (9), out of investments realised by virtue of regulation 11(5) which would otherwise have been applicable to the purchase of the annuity, less the amount of any tax chargeable under section 599A of the Taxes Act.

(8) Where, in the circumstances mentioned in paragraph (7), contributions have been made by the employer, the balance (to the extent that it is attributable to contributions made by the employer) less the amount of any tax chargeable under section 601 of the Taxes Act (charge to tax: payments to employers), shall be paid to the employer.

(17) Paragraphs (1) to (3) of regulation F5 were substituted by S.I. 2000/605.

(18) Section 599A was inserted by section 75 of, and paragraph 12 of Schedule 6 to, the Finance Act 1989, and amended by sections 121(8), 122(7)(b) and (c) and 205 of, and paragraph 6 of Part V of Schedule 41 to, the Finance Act 1996 (c. 8).

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(9) In paragraph (7) the reference to the prescribed amount is to an amount calculated in accordance with the method for the time being specified in regulations made for the purposes of section 591 of the Taxes Act (discretionary approval) as the method to be used for calculating the amount of any surplus funds.

(10) Subject to paragraph (11) below, in the case of a participator to whom any of regulations E1 to E5 or L1 of the Pension Scheme Regulations applies (benefits for members, or preserved pension), the Secretary of State may realise such part of the investments made under these Regulations as is derived from an contributions made by the participator's employer without purchasing an annuity and, in that event, the amount shall be payable to the participator as a lump sum.

(11) In the case of a participator to whom regulation E2(7) (early retirement on grounds of ill health) or L1(5) (preserved pension) of the Pension Scheme Regulations applies, the Secretary of State may realise the investments made under these Regulations without purchasing an annuity and, in that event, the proceeds shall be payable to the participator as a lump sum less any charge to tax under section 599 of the Taxes Act.

Textual Amendments

- F10** Words in [reg. 15\(2\)](#) inserted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), [reg. 1](#), [Sch. 2 para. 4\(a\)](#)
- F11** Words in [reg. 15\(3\)](#) inserted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), [reg. 1](#), [Sch. 2 para. 4\(b\)\(i\)](#)
- F12** Words in [reg. 15\(3\)](#) inserted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), [reg. 1](#), [Sch. 2 para. 4\(b\)\(ii\)](#)
- F13** Words in [reg. 15\(5\)\(6\)\(7\)](#) substituted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), [reg. 1](#), [Sch. 2 para. 4\(c\)](#)

Commencement Information

- I15** [Reg. 15](#) in force at 10.4.2000, see [reg. 1\(2\)](#)

Information

16.—(1) A person making an election under these Regulations, and his employer, shall give the Secretary of State such information as he may reasonably require for the purposes of his functions under these Regulations.

(2) Without prejudice to the generality of paragraph (1), a person making—

- (a) an election under [regulation 3\(1\)\(b\)](#) or [\(6\)](#) for the provision of a lump sum death benefit; or
- (b) an election under [regulation 5\(2\)\(a\)](#),

shall, in particular, give the Secretary of State such information about his health as the Secretary of State may reasonably require.

Commencement Information

- I16** [Reg. 16](#) in force at 10.4.2000, see [reg. 1\(2\)](#)

Payments in respect of deceased persons

17.—(1) This regulation applies where a person dies and the total of—

- (a) any sums that were due to him under these Regulations; and
- (b) any sums payable under these Regulations to his personal representatives,

does not exceed the amount specified in any order for the time being in force for the purposes of section 1 of the Administration of Estates (Small Payments) Act 1965(19) and which applies in relation to the death.

(2) Where this regulation applies the Secretary of State may, without requiring the production of proof of title, pay any amount due under either, or, as the case may be, both of sub-paragraphs (a) and (b) of paragraph (1)—

- (a) to the deceased's personal representatives; or
- (b) to the person, or to or among any one or more of any persons, appearing to him to be beneficially entitled to the estate,

and any person to whom such a payment is made, and not the Secretary of State, shall thereafter be liable to account for any amount so paid.

Commencement Information

I17 Reg. 17 in force at 10.4.2000, see [reg. 1\(2\)](#)

[^{F14}Pension sharing on divorce or nullity of marriage

17A. —Schedule 2 shall have effect in relation to—

- (a) pension credit rights; and
- (b) pension credit benefit payable,

under the AVC scheme.]

Textual Amendments

F14 Reg. 17A inserted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), reg. 1, [Sch. 2 para. 5](#)

Benefits not assignable on bankruptcy

18.—(1) On the bankruptcy of a person entitled to benefit under these Regulations, no part of the benefit shall be paid to any trustee or other person acting on behalf of creditors, except as provided for in paragraph (2).

(2) Where, following the bankruptcy of any person entitled to benefit under these Regulations, the court makes an order under section 310 of the Insolvency Act 1986(20) that requires the Secretary of State to pay all or part of the benefit to the person's trustee in bankruptcy the Secretary of State shall comply with that order.

(19) 1965 c. 32. The amount specified in S.I. 1984/539 is £5,000.

(20) 1986 c. 45. Section 310(7) was amended by paragraph 2 of Schedule 2 to the Welfare Reform and Pensions Act 1999 (c. 30).

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Commencement Information

I18 Reg. 18 in force at 10.4.2000, see [reg. 1\(2\)](#)

Offset for crime, negligence or fraud

19. Where, on or after the date on which these Regulations come into force—

- (a) the circumstances set out in regulation T5 of the Pension Scheme Regulations (offset for crime, negligence or fraud) have occurred; and
- (b) there has been a loss to public funds,

the Secretary of State may, in relation to benefits which arise by virtue of any employer's contributions paid on or after the date on which these Regulations come into force, reduce the amount of any benefit payable to or in respect of a person under these Regulations, to the extent set out, and subject to the conditions specified, in that regulation.

Commencement Information

I19 Reg. 19 in force at 10.4.2000, see [reg. 1\(2\)](#)

Loss of rights to benefits

20. Where—

- (a) A person entitled to benefit under these Regulations is convicted of an offence referred to in paragraph (1) of regulation T6 of the Pension Scheme Regulations (loss of rights to benefits), which was committed on or after the date on which these Regulations come into force; and
- (b) the circumstances are such that a direction may be made by the Secretary of State under regulation T6 of those Regulations,

the Secretary of State may direct that all or part of any rights to benefit under these Regulations which arise by virtue of any employer's contributions paid on or after the date on which these Regulations come into force, are to be forfeited.

Commencement Information

I20 Reg. 20 in force at 10.4.2000, see [reg. 1\(2\)](#)

Determination of questions

21. Any question arising under these Regulations as to the rights or liabilities of any person shall be determined by the Secretary of State.

Commencement Information

I21 Reg. 21 in force at 10.4.2000, see [reg. 1\(2\)](#)

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14th March 2000

John Denham
Minister of State,
Department of Health

We consent to the making of these Regulations.

16th March 2000

Greg Pope
Clive Betts
Lords Commissioners of Her Majesty's Treasury

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[^{F15}SCHEDULE 1]

Regulation 13

BENEFIT LIMITS

Textual Amendments

- F15** Sch. renumbered as Sch. 1 (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), reg. 1, **Sch. 2 para. 3**

PART 1

INTERPRETATION

1. Paragraphs 2 to 10 have effect for defining expressions used in this Schedule.

Commencement Information

- I22** Sch. para. 1 in force at 10.4.2000, see [reg. 1\(2\)](#)

2. “Adjusted salary” means

$A + B$

where—

- a A is the participator’s total taxable earnings for the year in question less any fluctuating emoluments such as bonus payments and payments for overtime; and
- b B is the annual average of the fluctuating emoluments, which shall for these purposes be averaged—
- (i) in a case where such emoluments have been paid for a period of less than 3 years, over the period during which they have been paid; or
 - (ii) in any other case, over a period of whole years, not being less than 3 consecutive years, ending on the last day of the year in question.

Commencement Information

- I23** Sch. para. 2 in force at 10.4.2000, see [reg. 1\(2\)](#)

- 3.—(1) “Final remuneration” means, subject to sub-paragraphs (2) and (3), the greater of C and D, where—

- (a) C is the highest amount of adjusted salary earned by the participator in respect of pensionable service in any year during the period of 5 years ending on the material date; and
- (b) D is the annual average of the participator’s adjusted salary in respect of any period of 3 or more consecutive years ending no earlier than 10 years before the material date,

but, in respect of any year other than the one ending on the material date, the adjusted salary shall be taken to have been increased in proportion to any increase in the Index from the end of that year up to the material date.

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(2) In respect of the tax year 1987–88 and following tax years, “final remuneration” shall not include any sums chargeable to tax under section 148 of the Taxes Act (payments on retirement or removal from office or employment) or chargeable under Schedule E to Part I of the Taxes Act and arising from the acquisition or disposal of shares, or an interest in shares, or from a right to acquire shares except where the shares or rights which gave rise on or after 17th March 1987 to a tax liability under that Schedule had been acquired before that date.

(3) Where the participator entered pensionable employment on or after 1st June 1989 and final remuneration, calculated under sub-paragraph (1), exceeds the permitted maximum under section 590C of the Taxes Act⁽²¹⁾ (conditions for approval of retirement benefit schemes: earnings cap), then for the purposes of calculating the participator’s final remuneration, no account shall be taken of the excess over that amount unless the participator is a person mentioned in regulation C1(3) of the Pension Scheme Regulations (meaning of “pensionable pay” and “final year’s pensionable pay”)⁽²²⁾.

(4) For the purposes of this paragraph, the Secretary of State shall select the years by reference to which the participator’s final remuneration is to be calculated and the years selected shall be those which produce the result most favourable to the participator.

Commencement Information

I24 Sch. para. 3 in force at 10.4.2000, see [reg. 1\(2\)](#)

4. “Material date” means the earlier of—
- (a) the participator’s retirement date; and
 - (b) the date on which the participator ceased to be in pensionable employment.

Commencement Information

I25 Sch. para. 4 in force at 10.4.2000, see [reg. 1\(2\)](#)

5. “Permitted amount” means—
- (a) in relation to a retirement pension, the amount determined in accordance with whichever of paragraphs 12 to 17 below is applicable in the case of the participator;
 - (b) in relation to dependants' pensions, the amount determined in accordance with whichever of paragraph 18(2) and (3) is applicable in the case of the participator; and
 - (c) in relation to a lump sum on death the amount determined in accordance with paragraph 19(4).

Commencement Information

I26 Sch. para. 5 in force at 10.4.2000, see [reg. 1\(2\)](#)

6.—(1) “Retained benefits” means the total of any pensions payable to the participator, in respect of employment before the participator entered pensionable employment, under—

- (a) a retirement benefit scheme falling within Chapter I of Part XIV of the Taxes Act (retirement benefit schemes, approval of schemes);

⁽²¹⁾ Section 590C was inserted by paragraph 4 of Schedule 6 to the Finance Act 1989.

⁽²²⁾ Regulation C1 was amended by S.I. [1997/80](#).

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- (b) a retirement annuity contract or trust scheme approved under Chapter III of Part XIV of the Taxes Act (retirement annuities);
- (c) a personal pension scheme approved under Chapter IV of Part XIV of the Taxes Act (personal pension schemes);
- (d) a statutory scheme as defined in section 612(1) of the Taxes Act (other interpretative provisions, and regulations for purposes of this Chapter); or
- (e) an approved scheme.

(2) Where the participator joined the NHS Pension Scheme on or after 1st June 1989, retained benefits may be ignored if his salary during his first year of being employed by an employing authority does not exceed one quarter of the permitted maximum under section 590C of the Taxes Act (conditions for approval of retirement benefit schemes: earnings cap).

(3) Where the participator joined the NHS Pension Scheme before 1st June 1989, retained benefits may be ignored if his salary during the year in which he made an election under regulation 3 did not exceed one quarter of the permitted maximum under section 590C of the Taxes Act.

(4) In this paragraph—

- (a) “employing authority”⁽²³⁾ has the meaning given to that expression in regulation A2 of the Pension Scheme Regulations (interpretation)⁽²⁴⁾; and
- (b) “pension” includes the actuarial equivalent as an annual pension, as determined by the Board of the Inland Revenue, of any lump sum.

Commencement Information

I27 Sch. para. 6 in force at 10.4.2000, see [reg. 1\(2\)](#)

7. “Tax year” means the 12 months beginning with 6th April in any year.

Commencement Information

I28 Sch. para. 7 in force at 10.4.2000, see [reg. 1\(2\)](#)

8. “Total retirement benefits” means the total of so much of—

- (a) the annual rate of the participator’s retirement pension derived from an annuity purchased in accordance with these Regulations;
- (b) the annual rate of any pension payable under Part E or regulation L1 of the Pension Scheme Regulations (benefits for members or preserved pension);
- (c) the annual rate of any pension payable to the participator under any approved scheme; and
- (d) the actuarial equivalent as an annual pension, as determined by the Board of the Inland Revenue, of any retirement lump sum under—
 - (i) the Pension Scheme Regulations; or
 - (ii) an approved scheme,

as is attributable to contributions, including any contribution made by the employer, paid while in pensionable employment.

⁽²³⁾ Section 612 was amended by sections 103(2), 258 of, and paragraph 12 of Part V of Schedule 26 to, the Finance Act 1994 (c. 9).

⁽²⁴⁾ The definition of “employing authority” was amended by S.I. 1997/1888, 1998/666 and 2000/605.

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Commencement Information

I29 Sch. para. 8 in force at 10.4.2000, see [reg. 1\(2\)](#)

9. “Total taxable earnings” means all salary, wages, fees and other regular payments made to a participator in respect of pensionable employment which are chargeable to income tax under Schedule D or Schedule E to Part I of the Taxes Act.

Commencement Information

I30 Sch. para. 9 in force at 10.4.2000, see [reg. 1\(2\)](#)

10. “The year in question” means—
- (a) in the case of a practitioner—
 - (i) a 12 month period running from 1st April to 31st March; or
 - (ii) a 12 month period beginning immediately prior to the practitioner’s date of termination of employment,whichever is more favourable to the practitioner; or
 - (b) in any other case, a 12 month period beginning immediately prior to the participator’s date of termination of employment.

Commencement Information

I31 Sch. para. 10 in force at 10.4.2000, see [reg. 1\(2\)](#)

PART II

RETIREMENT PENSIONS

11. The annual rate of a participator’s retirement pension derived from an annuity purchased in accordance with these Regulations must not be such as to cause the participator’s total retirement benefits to exceed the permitted amount.

Commencement Information

I32 Sch. para. 11 in force at 10.4.2000, see [reg. 1\(2\)](#)

12.—(1) Where the participator becomes entitled to a pension under regulation E1 of the Pension Scheme Regulations (normal retirement pension) on his 60th birthday, the permitted amount is the greater of E and F, where—

- (a) E is 1/60th of the participator’s final remuneration multiplied by the number of years of his pensionable service not exceeding 40 years; and
 - (b) F is the lesser of G and H.
- (2) For the purposes of sub-paragraph (1)—
- (a) G is—

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- (i) in the case of a participator who entered pensionable employment before 17th March 1987, such fraction of his final remuneration as is specified in column (2) of the Table below in relation to the number of years of his pensionable service specified in column (1) of that Table—

Table

<i>Column (1)</i> <i>Years of pensionable service at age 60</i>	<i>Column (2)</i> <i>Fraction</i>
Not more than 5	1/60th for each year
6	8/60 ^{ths}
7	16/60 ^{ths}
8	24/60 ^{ths}
9	32/60 ^{ths}
10 or more	40/60 ^{ths}

and

- (ii) in any other case, is 1/30th of the participator's final remuneration multiplied by the number of the years of his pensionable service, not exceeding 20 years; and
- (b) H is 2/3rds of the participator's final remuneration less any retained benefits.

Commencement Information

I33 Sch. para. 12 in force at 10.4.2000, see [reg. 1\(2\)](#)

13. Where the participator becomes entitled to a pension under regulation E1 of the Pension Scheme Regulations (normal retirement pension) on a date later than his 60th birthday, the permitted amount is the greatest of J, K and, where applicable, L, where—

- (a) J is an amount calculated in accordance with paragraph 12 as at the material date;
- (b) K is an amount calculated in accordance with paragraph 12 as at the participator's 60th birthday increased up to the date of his retirement, in proportion to any increase in the Index during that period; and
- (c) L is, in the case of a participator with more than 40 years of pensionable service, 1/60th of the participator's final remuneration multiplied by the number of years of his pensionable service, not exceeding 45 years and excluding any years before the participator's 60th birthday in excess of 40.

Commencement Information

I34 Sch. para. 13 in force at 10.4.2000, see [reg. 1\(2\)](#)

14.—(1) Where the participator becomes entitled to a pension under regulation L1 of the Pension Scheme Regulations (preserved pension)**(25)** the permitted amount is—

(25) Regulation L1 was amended by S.I. 2000/605.

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- (a) where the participator first entered pensionable employment before 1st June 1989, the greater of—

$$\frac{(M + R) \text{ and } (N \times Q + R)}{P}$$

where—

- (i) M is 1/60th of the participator's final remuneration multiplied by the number of the years of his pensionable service, not exceeding 40 years;
 - (ii) N is the number of years by reference to which M is calculated;
 - (iii) P is the number of years by reference to which M would have been calculated if the participator had continued in pensionable employment until his 60th birthday;
 - (iv) Q is the maximum amount calculated in accordance with paragraph 12 if the participator had continued in pensionable employment until he attained the age of 60;
 - (v) R is the appropriate increase; and
- (b) in any other case, the amount calculated in accordance with paragraph 12(1), (2)(a)(ii) and (2)(b) increased up to the date of his retirement in proportion to any increase in the Index during that period.

(2) For the purpose of sub-paragraph (1)(a) "the appropriate increase" is an increase in the amount in question in proportion to any increase in the Index during the period beginning with the cessation of pensionable employment and ending with the date of payment of the participator's retirement pension.

Commencement Information

I35 Sch. para. 14 in force at 10.4.2000, see [reg. 1\(2\)](#)

15. In their application to persons who are special class officers for the purposes of regulations R2 (nurses, physiotherapists, midwives and health visitors) and R3 (mental health officers) of the Pension Scheme Regulations, paragraphs 12 and 13 shall have effect subject to the modification that "55th birthday" shall be substituted for "60th birthday", and "age of 55" shall be substituted for "age of 60".

Commencement Information

I36 Sch. para. 15 in force at 10.4.2000, see [reg. 1\(2\)](#)

16. If the participator becomes entitled to a pension under regulation E2 of the Pension Scheme Regulations (early retirement pension on grounds of ill health), the permitted amount is that fraction of the participator's final remuneration, which in accordance with paragraph 12, he could have received had he remained in pensionable employment until his 60th birthday.

Commencement Information

I37 Sch. para. 16 in force at 10.4.2000, see [reg. 1\(2\)](#)

17.—(1) If the participator becomes entitled to a pension under regulation E3 (early retirement pension in respect of redundancy), E4 (early retirement pension with employer's consent) or E5 (early retirement pension with actuarial reduction) of the Pension Scheme Regulations, the permitted amount is—

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- (a) where the participator first entered pensionable employment before 1st June 1989, the greater of—

$$\frac{M \text{ and } (N \times Q)}{P}$$

and

- (b) in any other case, S.

(2) In sub-paragraph (1) above, M, N, P and Q have the same meaning as in paragraph 14, and S is the amount calculated in accordance with paragraph 12(1), (2)(a)(ii) and (2)(b).

Commencement Information

I38 Sch. para. 17 in force at 10.4.2000, see [reg. 1\(2\)](#)

PART III

DEPENDANTS' PENSIONS

18.—(1) The annual rate of a dependant's pension under these Regulations, or where more than one such pension is payable, the total of their annual rates, must not be such as to cause the total of the annual rates of the relevant benefits to exceed the permitted amount.

(2) Where only one dependant's pension is payable, the relevant benefits are—

- (a) that pension; and
 (b) any similar pension payable to the dependant under the Pension Scheme Regulations or under a free-standing additional voluntary contributions scheme to which contributions were paid while the participator was in pensionable employment,

and the permitted amount is 2/3rds of the maximum retirement pension.

(3) Subject to sub-paragraph (4), where two or more dependants' pensions are payable, the relevant benefits are—

- (a) those pensions; and
 (b) any similar pensions payable as mentioned in sub-paragraph (2)(b),

and the permitted amount is the annual rate of the maximum retirement pension.

(4) The relevant benefits payable in respect of any one dependant shall not exceed the permitted amount calculated in accordance with sub-paragraph (2).

(5) Subject to sub-paragraph (6), the maximum retirement pension is the permitted amount calculated in accordance with paragraphs 12 to 17 in relation to the participator, but disregarding any retained benefits.

(6) The maximum retirement pension is to be calculated on the assumption that—

- (a) where the participator died in pensionable employment and had not attained the age of 60, he continued in pensionable employment and was in receipt of the same level of salary which he was receiving at the time of his death up to, and retired on, his 60th birthday; and
 (b) where the participator died in pensionable employment and had attained the age of 60, he retired on the day before his death.

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Commencement Information

I39 Sch. para. 18 in force at 10.4.2000, see [reg. 1\(2\)](#)

PART IV

LUMP SUMS ON DEATH

19.—(1) The lump sum payable under regulation 11(7) must not be such as to cause the total of the lump sums payable on death to exceed the total realisable value of the investments made by the Secretary of State under regulation 7(1), 8(2) or 9(4) in respect of contributions made by the participator.

(2) The total lump sums payable on death are the total of—

- (a) any lump sum death benefit arising pursuant to an election under regulation 3(1)(b) or (6) or 5(2)(a);
- (b) any lump sum payable under regulation 11(7); and
- (c) any lump sum death benefits which in total exceed £2,500 and which are payable under relevant schemes.

(3) The relevant schemes are—

- (a) approved schemes;
- (b) schemes approved under Chapter IV of Part XIV of the Taxes Act (personal pension schemes);
- (c) free-standing additional voluntary contribution schemes;
- (d) retirement annuity contracts approved under Chapter III of Part XIV of the Taxes Act;
- (e) the Scheme constituted by the Pension Scheme Regulations; and
- (f) relevant statutory schemes as defined in section 611A(26) of the Taxes Act.

(4) The permitted amount for the purposes of regulations 4(5) and 12(2) is £5,000 or, if greater, 4 times the participator's remuneration.

(5) The participator's remuneration is the greatest of T, U and V, where—

- (a) T would have been the amount of the participator's final remuneration if the date of his death had been the material date;
- (b) U is the highest amount of the participator's adjusted salary applicable under paragraph (3) for the purpose of calculating T, and
- (c) V is the participator's total taxable earnings during any period of 12 months ending on a date not more than 3 years immediately before his death, increased in proportion to any increase in the Index during the period beginning with that date and ending on the material date.

Commencement Information

I40 Sch. para. 19 in force at 10.4.2000, see [reg. 1\(2\)](#)

(26) Section 611A was inserted by paragraph 15 of Schedule 6 to the Finance Act 1989.

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[^{F16}SCHEDULE 2

Regulation 17A

PENSION SHARING ON DIVORCE OR NULLITY OF MARRIAGE

Textual Amendments

F16 Sch. 2 inserted (1.5.2001) by [The National Health Service \(Pension Scheme and Additional Voluntary Contributions\) \(Pension Sharing\) Amendment Regulations 2001 \(S.I. 2001/1428\)](#), reg. 1, **Sch. 2 para. 6**

Discharge of liability in respect of a pension credit

1.—(1) Where the Secretary of State discharges his liability in respect of a pension credit in accordance with sub-paragraph (2) of paragraph 1 of Schedule 5 to the 1999 Act (pension credits: mode of discharge: funded pension schemes—internal transfers) the appropriate rights shall be invested under paragraph 2 below to provide for the purchase from an [^{F17}insurer] of an annuity which complies with the requirements of sub-paragraph (5) below.

(2) Where sub-paragraph (1) applies, the person entitled to the pension credit may elect, by giving written notice to the Secretary of State, the authorised fund or funds in which the appropriate rights are to be invested.

(3) The Secretary of State shall notify in writing the person who has made an election under sub-paragraph (2) of the Secretary of State's acceptance of that election.

(4) Where an election has been made under sub-paragraph (2) it shall not be varied or cancelled after liability in respect of the pension credit has been discharged by the Secretary of State.

(5) An annuity complies with the requirements of this sub-paragraph if—

- (a) it provides a pension which commences not earlier than normal benefit age and is payable to the pension credit member for life;
- (b) any dependant's pension which is payable under it is payable only on the death of the pension credit member after he has reached normal benefit age and is payable to the dependant for life, except that in the case of a dependant who is a child to whom Part H of the Pension Scheme Regulations (child allowance) would apply if the pension credit member were a member of the NHS Pension Scheme, it shall cease to be payable when that person ceases to be a dependent child within the meaning of those Regulations; and
- (c) it is not capable in whole or in part of surrender, assignment or commutation.

Textual Amendments

F17 Word in Sch. 2 para. 1(1) substituted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), arts. 1, **589(4)**

Investment of appropriate rights

2. Any appropriate rights invested under this paragraph shall be invested by the Secretary of State as soon as is reasonably practicable in accordance with any notice given under sub-paragraph (2) of paragraph 1.

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Discharge of liability in respect of a pension credit following the death of the person entitled to the pension credit

3.—(1) The Secretary of State shall, following the death of the person entitled to a pension credit before liability in respect of that credit has been discharged, discharge his liability in respect of that credit by making a payment of a lump sum in accordance with paragraph (2)(a)(i) of regulation 6 of the Pension Sharing (Implementation and Discharge of Liability) Regulations 2000.

(2) The lump sum payable under this paragraph shall be paid in accordance with regulation 15(3) (payments by the Secretary of State) of these Regulations.

Pension credit benefit

4.—(1) The pension credit benefit to which a pension credit member shall be entitled under the AVC scheme shall consist of a pension.

(2) A pension credit member shall be entitled to the payment of the pension credit benefit when he reaches normal benefit age.

(3) A pension payable in accordance with this paragraph shall be payable to the pension credit member for life.

(4) The value of the pension referred to in this paragraph shall be equal to the value of the pension credit rights which have accrued to or in respect of the pension credit member.

(5) Not earlier than 3 months before the date he reaches normal benefit age, a pension credit member, by giving notice to the Secretary of State, shall make a benefits election which shall specify—

- (a) whether only a pension payable for life is to be provided;
- (b) for whom, if anyone, a dependant's pension is to be provided;
- (c) if more than one such pension is to be provided, either—
 - (i) the proportion of the amount secured by the total investments made under paragraph 2 that is to be applied to the purchase of each of them; or
 - (ii) the dependants' pensions to be provided expressed as a percentage of the pension for life;
- (d) in respect of each pension to be provided, whether the annual rate of the pension—
 - (i) is to be fixed; or
 - (ii) is to vary in accordance with the Index; or
 - (iii) is to increase yearly by a specified percentage or, if lower than that percentage, by the increase in the Index for the year in question; and
- (e) the authorised provider who is to provide each pension.

(6) For the purposes of this Schedule the authorised provider must meet the requirements referred to in regulations 12 to 14 of the Pension Sharing (Pension Credit Benefit) Regulations 2000.

(7) Upon receipt of a notice of election under sub-paragraph (5) the Secretary of State shall, as soon as reasonably practicable, realise the investments made under paragraph 2 and apply the proceeds to the purchase of an annuity from the authorised provider specified in the notice of election.

(8) Notwithstanding that benefits under Part E or regulation L1 of the Pension Scheme Regulations (benefits for members or preserved pension) may be payable to a pension credit member by virtue of him being a member of the NHS Pension Scheme, where a pension credit member has reached normal benefit age on or after 1st May 2001 and has—

- (a) reached the age of 75; and

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- (b) failed to give a notice of election under sub-paragraph (5) on or before the date of his 75th birthday,

the Secretary of State may realise the investments made under paragraph 2 and apply the proceeds to the purchase of a pension policy which satisfies the requirements of regulations 12 to 14 of the Pension Sharing (Pension Credit Benefit) Regulations 2000 from an [^{F18}insurer] in order to provide such benefits as appear to him to be suitable.

Textual Amendments

F18 Word in Sch. 2 para. 4(8) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, 589(4)

Outward transfers

5.—(1) The Secretary of State shall, upon receipt of a notice in writing under section 101F(1) of the 1993 Act (power to give transfer notice) from an eligible member, pay a transfer value in accordance with the provisions of Chapter II of Part IVA of the 1993 Act (requirements relating to pension credit benefit: transfer values) and Part III of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (provision of benefits).

(2) The transfer value referred to in sub-paragraph (1) shall represent the value of the appropriate rights invested under paragraph 2 calculated in accordance with regulation 24 of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (manner of calculation and verification of cash equivalents).

Commutation of the whole of pension credit benefit before normal benefit age

6.—(1) A pension credit member shall be entitled to the commutation of the whole of his pension credit benefit before having reached normal benefit age in the circumstances described in regulation 3(2) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (commutation of pension credit benefit).

(2) In the case of a pension credit member to whom this paragraph applies, the Secretary of State may realise the investments made under paragraph 2 without purchasing an annuity and the proceeds shall be payable to the pension credit member as a lump sum.

Commutation of the whole of pension credit benefit at normal benefit age

7.—(1) A pension credit member shall be entitled to the commutation of the whole of his pension credit benefit at normal benefit age in the circumstances described in sub-paragraph (2).

(2) The circumstances described in this sub-paragraph are—

- (a) the pension credit member is suffering from serious ill health at normal benefit age; or
- (b) the aggregate of total benefits payable to the pension credit member, including any pension credit benefit, does not exceed £260 per annum at normal benefit age.

(3) In the case of a pension credit member to whom this paragraph applies, the Secretary of State may realise the investments made under paragraph 2 without purchasing an annuity and the proceeds shall be payable to the pension credit member as a lump sum.

(4) In this paragraph “serious ill health” means ill health which is such as to give rise to a life expectancy of less than one year from the date on which the payment of the pension credit benefit of the pension credit member is applied for.

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Pension credit member dies before pension credit benefit becomes payable

8. If a pension credit member dies before his pension under the AVC scheme becomes payable under paragraph 4 of this Schedule, the Secretary of State may realise the investments made under paragraph 2 without purchasing an annuity and the proceeds shall be payable as a lump sum in accordance with regulation 15(3) of these Regulations.

Pension credit member dies after pension credit benefit becomes payable

9. If a pension credit member dies within the period of 5 years beginning with the date upon which payments of pension credit benefit under paragraph 4 of this Schedule commence, the balance that would have been payable during the remainder of that period, if the payments of pension credit benefit had continued at the rate in force at the time of the pension credit member's death, shall be payable as a lump sum in accordance with regulation 15(3) of these Regulations.

Excluded membership

10. Where a pension credit member is also a participator in the AVC scheme, any period which may count for any purpose in connection with his pension credit benefit shall not be taken into account for the purpose of ascertaining his entitlement to, or as the case may be, the calculation of, benefits other than pension credit benefits under the AVC scheme.

Payment of lump sum on death

11.—(1) Where a lump sum is payable under any of paragraphs 3, 8 or 9 of this Schedule, unless sub-paragraph (2) or (3) below applies, the lump sum shall be paid to the personal representative of the person entitled to a pension credit or, as the case may be, the pension credit member.

(2) Where the person entitled to a pension credit or, as the case may be, the pension credit member dies and leaves a widow or widower, the lump sum may be paid to the widow or widower, unless—

- (a) the person entitled to a pension credit or, as the case may be, the pension credit member has given notice to the Secretary of State in accordance with sub-paragraph (4) below that the widow or widower is not to receive the payment, and has not revoked that notice; or
- (b) sub-paragraph (3) below applies.

(3) Where the person entitled to a pension credit or, as the case may be, the pension credit member has given notice to the Secretary of State in accordance with sub-paragraphs (4) and (5) below that the lump sum is to be paid to a person specified in the notice, and has not revoked that notice, the lump sum may be paid to that person unless—

- (a) that person has died before the payment can be made; or
- (b) payment to that person is not, in the opinion of the Secretary of State, reasonably practicable.

(4) Notice to the Secretary of State for the purpose of sub-paragraph (2) or (3) above—

- (a) shall be given only by a person entitled to a pension credit or, as the case may be, a pension credit member under the AVC scheme;
- (b) shall be given in writing; and
- (c) may at any time be revoked in writing,

and a person entitled to a pension credit or, as the case may be, a pension credit member who revokes such a notice may give further notice for the purpose of one of those sub-paragraphs.

(5) A notice given for the purpose of sub-paragraph (3) above shall specify one person, who may be—

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- (a) an individual;
- (b) a body corporate; or
- (c) an unincorporated body.

Miscellaneous provisions

12. Regulations 17 (payments in respect of deceased persons), 18 (benefits not assignable on bankruptcy) and 21 (determination of questions) of these Regulations shall apply in respect of a person entitled to a pension credit or, as the case may be, a pension credit member.

Offset for crime, negligence or fraud

13.—(1) Where, on or after the date on which this Schedule comes into force—

- (a) the circumstances set out in regulation T5 of the Pension Scheme Regulations (offset for crime, negligence or fraud) have occurred in respect of a pension credit member who is also a member of the NHS Pension Scheme; and
- (b) there has been a loss to public funds,

the Secretary of State may, in relation to pension credit benefit which arises by virtue of pension credit rights which are derived from any employer's contributions paid on or after the date on which the AVC Regulations came into force in respect of the relevant participator, reduce the amount of any pension credit benefit payable to or in respect of a pension credit member under this Schedule, to the extent set out, and subject to the conditions specified, in that regulation.

(2) In this paragraph and in paragraph 14 "relevant participator" means the participator in relation to whose rights under the AVC scheme the pension sharing order or provision, which gave the pension credit member in question entitlement to a pension credit, was made.

Loss of rights to benefits

14.—(1) Where—

- (a) a pension credit member is convicted of an offence referred to in paragraph (1) of regulation T6 of the Pension Scheme Regulations (loss of rights to benefits), which was committed on or after the date on which this Schedule comes into force; and
- (b) the circumstances are such that a direction may be made by the Secretary of State under regulation T6 of those Regulations,

the Secretary of State may direct that all or part of any rights to pension credit benefit under this Schedule which arise by virtue of pension credit rights which are derived from any employer's contributions paid on or after the date on which the AVC Regulations came into force in respect of the relevant participator, are to be forfeited.

(2) "Relevant participator" has the meaning given to that expression in paragraph 13(2) of this Schedule.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the payment of additional voluntary contributions by persons who are members of the pension scheme constituted by the National Health Service Pension Scheme Regulations 1995 (“the NHS Pension Scheme”), or by their employers, in order to secure additional benefits financed by investment of those contributions. Regulations 1 to 10, 11(1) to (5), (7) and (8), 12 to 18 and 21 take effect from 1st February 1991. Regulation 11(6) takes effect from 1st December 1999. Section 12(1) of the Superannuation Act 1972 confers power to make Regulations having effect from a date earlier than the date of their making.

Regulations 1 and 2 provide for citation, commencement and interpretation.

Regulation 3 provides for elections to pay periodical contributions in order to secure additional retirement and dependants' pensions and a lump sum death benefit in the event of death while paying such contributions and contains general provisions as to the making and acceptance of elections.

Regulation 4 deals with the payment of contributions and imposes a limit on their total amount.

Regulation 5 allows elections made under regulation 3 to be varied or cancelled, and regulation 6 prescribes the circumstances under which an election ceases to have effect.

Regulation 7 makes provision in relation to the investment of contributions by the Secretary of State.

Regulation 8 makes provision relating to the acceptance of a transfer value from another scheme.

Regulation 9 makes special provision regarding the acceptance of a transfer value from a personal pension scheme in the case of persons who have opted out of the NHS Pension Scheme and suffered a loss as the result of a contravention which is actionable under section 62 of the Financial Services Act 1986 (mis-sold personal pensions).

Regulation 10 makes provision regarding payment of a transfer value (representing the value of the investments) to another scheme.

Regulation 11 makes provision for the payment of retirement and dependant's pensions and for the making of elections relating thereto, and regulation 12 provides for the payment of lump sum death benefits.

Regulation 13 and the Schedule impose limits on benefits payable under the Regulations.

Regulation 14 provides for the realisable value of investments to be repaid where contributions under the National Health Service Pension Scheme Regulations 1995 are repaid.

Regulation 15 makes provision in relation to the circumstances in which the Secretary of State will make any payments of benefits that an authorised provider fails to make. It also makes provision as to the persons to whom certain payments are to be made and as to the deduction of income tax.

Regulation 16 provides for the Secretary of State to be given information needed for the purposes of his functions under the Regulations.

Regulation 17 provides for any payments, up to a prescribed maximum (currently £5,000), payable to the personal representatives of deceased persons, to be made without proof of title.

Regulation 18 provides that on bankruptcy, benefits under the Regulations may only be assigned to a person's trustee in bankruptcy if the court makes an order to that effect.

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Regulation 19 provides for the offsetting of any benefits arising from the employer's contributions in circumstances of crime, negligence or fraud, and regulation 20 provides for the forfeiture of rights to any benefits arising from the employer's contributions in certain circumstances.

Regulation 21 provides for the determination of questions by the Secretary of State.

These Regulations do not impose any costs on business.

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Changes and effects yet to be applied to :

- Sch. 2 para. 4(7) substituted by S.I. 2006/600 reg. 40(2)(c)
- Sch. 2 para. 7(2)(b) substituted by S.I. 2008/655 reg. 2(16)(c)
- Sch. 2 para. 11(5) substituted by S.I. 2008/655 reg. 2(16)(f)
- Sch. 2 para. 1(5)(b) substituted by S.I. 2015/96 reg. 65(2)(a)
- Sch. 2 para. 7(2)(b) substituted by S.I. 2015/96 reg. 65(4)
- Sch. 2 para. 13 substituted by S.I. 2015/96 reg. 65(5)
- Sch. 2 para. 14 substituted by S.I. 2015/96 reg. 65(6)
- Sch. 2 para. 4(1) words added by S.I. 2006/600 reg. 40(2)(a)
- Sch. 2 heading words inserted by S.I. 2005/3074 reg. 4(5)(a)
- Sch. 2 para. 11(2) words inserted by S.I. 2008/655 reg. 2(16)(d)
- Sch. 2 para. 4(7) words inserted by S.I. 2015/96 reg. 65(3)(c)(i)
- Sch. 2 para. 11(2) words substituted by S.I. 2005/3074 reg. 4(5)(b)
- Sch. 2 para. 1(5)(b) words substituted by S.I. 2008/655 reg. 2(16)(a)
- Sch. 2 para. 4(8) words substituted by S.I. 2008/655 reg. 2(16)(b)
- Sch. 2 para. 13(1)(a) words substituted by S.I. 2008/655 reg. 2(16)(g)
- Sch. 2 para. 14(1)(a) words substituted by S.I. 2008/655 reg. 2(16)(h)
- Sch. 2 para. 6(1) words substituted by S.I. 2009/2446 reg. 105(3)(a)
- Sch. 2 para. 14(1)(b) words substituted by S.I. 2009/2446 reg. 105(3)(b)
- Sch. 2 para. 4(4) words substituted by S.I. 2015/96 reg. 65(3)(a)
- Sch. 2 para. 11(2) words substituted by S.I. 2019/418 reg. 98
- reg. 2 word omitted by S.I. 2015/96 reg. 54(2)(b)(i)
- reg. 2 word omitted by S.I. 2015/96 reg. 54(2)(c)(i)
- reg. 2 word substituted by S.I. 2015/96 reg. 54(2)(g)
- reg. 2 words added by S.I. 2015/96 reg. 54(2)(b)(ii)
- reg. 2 words added by S.I. 2015/96 reg. 54(2)(c)(ii)
- reg. 2 words added by S.I. 2015/96 reg. 54(2)(d)
- reg. 2 words added by S.I. 2015/96 reg. 54(2)(i)
- reg. 2 words added by S.I. 2015/96 reg. 54(2)(j)
- reg. 2 words inserted by S.I. 2006/600 reg. 26(3)
- reg. 2 words inserted by S.I. 2014/78 reg. 18
- reg. 2 words omitted by S.I. 2006/600 reg. 26(2)
- reg. 2 words substituted by S.I. 2015/96 reg. 54(2)(e)
- reg. 2 words substituted by S.I. 2015/96 reg. 54(2)(f)
- reg. 2 words substituted by S.I. 2015/96 reg. 54(2)(h)
- reg. 2(1) word substituted by S.I. 2002/610 reg. 23(b)
- reg. 2(1) words inserted by S.I. 2002/610 reg. 3(a)
- reg. 2(1) words inserted by S.I. 2007/3280 reg. 4(2)(a)
- reg. 2(1) words inserted by S.I. 2008/655 reg. 2(2)(a)
- reg. 2(1) words inserted by S.I. 2013/413 reg. 78
- reg. 2(1) words inserted by S.I. 2015/96 reg. 54(2)(a)
- reg. 2(1) words omitted by S.I. 2008/655 reg. 2(2)
- reg. 2(1) words omitted by S.I. 2018/1149 Sch. para. 47
- reg. 2(1) words substituted by S.I. 2007/3280 reg. 4(2)(b)
- reg. 2(1) words substituted by S.I. 2008/655 reg. 2(2)(b)
- reg. 2(2) words substituted by S.I. 2008/655 reg. 2(3)
- reg. 2(2) words substituted by S.I. 2015/96 reg. 54(4)
- reg. 3(1) words inserted by S.I. 2010/492 reg. 54(2)
- reg. 3(1) words omitted by S.I. 2015/96 reg. 55(2)(b)
- reg. 3(1)(a) words substituted by S.I. 2006/600 reg. 27(2)

- reg. 3(1)(a) words substituted by S.I. 2015/96 reg. 55(2)(a)
- reg. 3(3)(a) word omitted by S.I. 2017/275 reg. 56
- reg. 3(3)(b) omitted by S.I. 2015/96 reg. 55(3)
- reg. 3(3)(b) words substituted by S.I. 2006/600 reg. 27(3)
- reg. 3(3)(b) words substituted by S.I. 2008/655 reg. 2(4)(a)
- reg. 3(5)(a) substituted by S.I. 2016/245 reg. 101
- reg. 3(5)(a) words omitted by S.I. 2008/655 reg. 2(4)(b)
- reg. 3(6) words substituted by S.I. 2008/655 reg. 2(4)(c)
- reg. 3(7) words substituted by S.I. 2015/96 reg. 55(5)
- reg. 4(4) substituted by S.I. 2006/600 reg. 28(2)
- reg. 4(4)(a) omitted by S.I. 2015/96 reg. 56(2)(a)
- reg. 4(4)(b) words substituted by S.I. 2008/655 reg. 2(5)(a)
- reg. 4(4)(b) words substituted by S.I. 2015/96 reg. 56(2)(b)
- reg. 4(5) omitted by S.I. 2006/600 reg. 28(3)
- reg. 5(2)(a) words omitted by S.I. 2008/655 reg. 2(6)
- reg. 6 substituted by S.I. 2015/96 reg. 57
- reg. 6 words substituted by S.I. 2002/610 reg. 4(a)
- reg. 8(1) substituted by S.I. 2006/600 reg. 30
- reg. 9(1) words inserted by S.I. 2010/492 reg. 54(4)(a)
- reg. 9(1) words inserted by S.I. 2010/492 reg. 54(4)(b)
- reg. 9(1)(2) words substituted by S.I. 2008/655 reg. 2(8)(a)
- reg. 9(3)(b) words substituted by S.I. 2008/655 reg. 2(8)(a)
- reg. 9(6) words substituted by S.I. 2008/655 reg. 2(8)(b)
- reg. 10 substituted by S.I. 2002/610 reg. 5
- reg. 10(1) substituted by S.I. 2011/2586 reg. 37(a)
- reg. 10(1)(a) substituted by S.I. 2006/600 reg. 31(2)
- reg. 10(2) omitted by S.I. 2006/600 reg. 31(3)
- reg. 10(3) omitted by S.I. 2011/2586 reg. 37(b)
- reg. 10(3) substituted by S.I. 2006/600 reg. 31(4)
- reg. 11 substituted by S.I. 2015/96 reg. 59
- reg. 11(1) substituted by S.I. 2006/600 reg. 32(2)
- reg. 11(1) words inserted by S.I. 2010/492 reg. 54(5)(a)
- reg. 11(2)(b) substituted by S.I. 2008/655 reg. 2(10)(a)
- reg. 11(3) words inserted by S.I. 2010/492 reg. 54(5)(c)
- reg. 11(5) substituted by S.I. 2006/600 reg. 32(4)
- reg. 11(5) words inserted by S.I. 2010/492 reg. 54(5)(d)
- reg. 11(6) words substituted by S.I. 2008/655 reg. 2(10)(b)
- reg. 11(7) words omitted by S.I. 2010/492 reg. 54(5)(e)
- reg. 11(8) words substituted by S.I. 2008/655 reg. 2(10)(c)
- reg. 12(2) substituted by S.I. 2006/600 reg. 33
- reg. 13 omitted by S.I. 2016/245 reg. 103
- reg. 13 substituted by S.I. 2006/600 reg. 34
- reg. 13 word inserted by S.I. 2015/96 reg. 60
- reg. 14(1) words substituted by S.I. 2006/600 reg. 35(2)
- reg. 14(1)(b) substituted by S.I. 2008/655 reg. 2(11)
- reg. 14(2) words substituted by S.I. 2006/600 reg. 35(3)
- reg. 15(1) substituted by S.I. 2010/492 reg. 54(6)(a)
- reg. 15(1) substituted by S.I. 2015/96 reg. 62(2)
- reg. 15(1) words inserted by S.I. 2013/413 reg. 80
- reg. 15(1) words substituted by S.I. 2006/600 reg. 36(2)
- reg. 15(3) words inserted by S.I. 2005/3074 reg. 4(3)
- reg. 15(3) words substituted by S.I. 2010/492 reg. 54(6)(b)
- reg. 15(3) words substituted by S.I. 2015/96 reg. 62(3)(a)
- reg. 15(3) words substituted by S.I. 2016/245 reg. 104
- reg. 15(3)(a) words inserted by S.I. 2008/655 reg. 2(12)(a)
- reg. 15(3)(a) words substituted by S.I. 2019/418 reg. 97
- reg. 15(3)(b) substituted by S.I. 2015/96 reg. 62(3)(b)
- reg. 15(3)(b) words substituted by S.I. 2019/418 reg. 97

- reg. 15(3)(b)(i) words inserted by S.I. 2008/655 reg. 2(12)(a)
- reg. 15(3)(b)(ii) substituted by S.I. 2008/655 reg. 2(12)(b)
- reg. 15(3)(b)(ii) words inserted by S.I. 2014/78 reg. 20(2)
- reg. 15(3)(b)(ii) words inserted by S.I. 2017/275 reg. 57(2)(a)
- reg. 15(4) substituted by S.I. 2015/96 reg. 62(5)
- reg. 15(4) words inserted by S.I. 2010/492 reg. 54(6)(c)
- reg. 15(5)-(9) omitted by S.I. 2006/600 reg. 36(3)
- reg. 15(5) words inserted by S.I. 2005/3074 reg. 4(3)
- reg. 15(10) words substituted by S.I. 2008/655 reg. 2(12)(c)
- reg. 15(10) words substituted by S.I. 2015/96 reg. 62(6)
- reg. 15(11) substituted by S.I. 2008/655 reg. 2(12)(d)
- reg. 15(11) words omitted by S.I. 2006/600 reg. 36(4)
- reg. 17A words inserted by S.I. 2005/3074 reg. 4(4)
- reg. 19(a) substituted by S.I. 2015/96 reg. 63
- reg. 19(a) words substituted by S.I. 2008/655 reg. 2(13)
- reg. 20 substituted by S.I. 2015/96 reg. 64
- reg. 20(a) words substituted by S.I. 2008/655 reg. 2(14)
- reg. 20(b) words substituted by S.I. 2009/2446 reg. 105(2)
- reg. 21 words inserted by S.I. 2007/3280 reg. 4(3)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 13(bb) inserted by S.I. 2002/610 reg. 6(b)
- Sch. 1 omitted by S.I. 2006/600 reg. 39
- Sch. 1 para. 13 word inserted by S.I. 2002/610 reg. 6(a)
- Sch. 2 para. 4(9) added by S.I. 2010/492 reg. 54(7)
- Sch. 2 para. 1(6) added by S.I. 2015/96 reg. 65(2)(b)
- Sch. 2 para. 4(5)(aa) inserted by S.I. 2006/600 reg. 40(2)(b)
- Sch. 2 para. 11(4)(d) inserted by S.I. 2008/655 reg. 2(16)(e)
- Sch. 2 para. 4(5A)-(5C) inserted by S.I. 2015/96 reg. 65(3)(b)
- Sch. 2 para. 4(7)(c) inserted by S.I. 2015/96 reg. 65(3)(c)(ii)
- Sch. 2 para. 4(8)-(10) substituted for Sch. 2 para. 4(8)(9) by S.I. 2015/96 reg. 65(3)(d)
- reg. 2(1)(d) words substituted by S.I. 2019/418 reg. 96(2)
- reg. 2(1)(aa) inserted by S.I. 2005/3074 reg. 4(2)
- reg. 2(1A)-(1C) inserted by S.I. 2015/96 reg. 54(3)
- reg. 2(1A)(1B) substituted for reg. 2(1A)-(1C) by S.I. 2019/418 reg. 96(3)
- reg. 2A inserted by S.I. 2014/78 reg. 19
- reg. 3(6A) inserted by S.I. 2008/655 reg. 2(4)(d)
- reg. 3(6B)(6C) inserted by S.I. 2015/96 reg. 55(4)
- reg. 4(4A) inserted by S.I. 2008/655 reg. 2(5)(b)
- reg. 4(4A) words omitted by S.I. 2013/413 reg. 79
- reg. 4(4A) words substituted by S.I. 2015/96 reg. 56(3)
- reg. 6(1)(a) words inserted by S.I. 2010/492 reg. 54(3)
- reg. 6(1)(a) words substituted by S.I. 2008/655 reg. 2(7)(a)
- reg. 6(1)(c) words substituted by S.I. 2008/655 reg. 2(7)(c)
- reg. 6(1)(d) words substituted by S.I. 2006/600 reg. 29
- reg. 6(1)(d) words substituted by S.I. 2008/655 reg. 2(7)(d)
- reg. 6(1)(aa) inserted by S.I. 2008/655 reg. 2(7)(b)
- reg. 6(2) inserted by S.I. 2002/610 reg. 4(b)
- reg. 6(2) word inserted by S.I. 2008/655 reg. 2(7)(e)
- reg. 10(4) substituted by S.I. 2008/655 reg. 2(9)(a)
- reg. 10(4)-(4B) substituted for reg. 10(4) by S.I. 2015/96 reg. 58(2)
- reg. 10(6) word substituted by S.I. 2008/655 reg. 2(9)(b)

- reg. 10(8)(b)(i) words substituted by S.I. 2011/2586 reg. 37(c)
- reg. 10(8)(b)(ii) substituted by S.I. 2008/655 reg. 2(9)(c)
- reg. 10(8)(b)(ii) words substituted by S.I. 2015/96 reg. 58(3)
- reg. 11(1)(e) added by S.I. 2016/245 reg. 102(a)
- reg. 11(1)(f) inserted by S.I. 2024/281 reg. 9
- reg. 11(1A)-(1E) added by S.I. 2010/492 reg. 54(5)(b)
- reg. 11(3)(aa) inserted by S.I. 2006/600 reg. 32(3)
- reg. 11(11) words omitted by S.I. 2016/245 reg. 102(b)
- reg. 14(1)(b)(i) word omitted by S.I. 2015/96 reg. 61(a)
- reg. 14(1)(b)(iii) and word inserted by S.I. 2015/96 reg. 61(b)
- reg. 15(3)(c) inserted by S.I. 2017/275 reg. 57(2)(b)
- reg. 15(3A) inserted by S.I. 2015/96 reg. 62(4)
- reg. 15(3B)(3C) inserted by S.I. 2017/275 reg. 57(3)
- reg. 15(10A) inserted by S.I. 2015/96 reg. 62(7)
- reg. 15(11)(c) inserted by S.I. 2015/96 reg. 62(8)
- reg. 16(3)-(5) added by S.I. 2006/600 reg. 37
- reg. 22 added by S.I. 2006/600 reg. 38
- reg. 22 word inserted by S.I. 2008/655 reg. 2(15)(a)
- reg. 22(2) inserted by S.I. 2008/655 reg. 2(15)(b)