
EXPLANATORY NOTE

(This notice is not part of the Regulations)

Regulation 2 of, and the Schedule to, these Regulations amend the National Health Service Pension Scheme Regulations 1995 (S.I. [1995/300](#)) (“the principal Regulations”) by—

- providing that employing authorities shall make contributions to the cost of increases to NHS pensions and that such authorities should maintain records of their contributions to the scheme and making a consequential amendment (paragraphs 1 and 5 of the Schedule);
- providing both that preserved benefits are paid and that a pension is not abated where a member returns to employment with an employing authority by virtue of a transfer of an undertaking to that authority (paragraphs 2 and 3);
- providing for the forfeiture of benefits under the NHS Pension Scheme (“the Scheme”) to persons other than the member where the beneficiary has been convicted of the unlawful killing of the member, and making a minor amendment (paragraph 4).

Regulation 3 amends the principal Regulations, the National Health Service (Injury Benefits) Regulations 1995 (S.I. [1995/886](#)) and the National Health Service (Compensation for Premature Retirement) Regulations 2002 (S.I. [2002/1311](#)) so as to enable Local Health Boards in Wales which are established under section 16BA of the National Health Service Act [1977 \(c. 49\)](#) both to be treated as “employing authorities” and included in the definition of “NHS dental employee”, “practitioner”, “assistant practitioner” and “listing Authority” for the purposes of those Regulations.

Regulation 4 amends the principal Regulations by enabling additional categories of practitioners to count their earnings as locum practitioners towards their rights under the Scheme and makes consequential amendments.

Regulation 1(2) provides that regulation 3 has effect from 10th February 2003 and regulation 1(3) provides that regulation 4 has effect from 1st April 2002. The authority for regulations 3 and 4 having retrospective effect is contained in section 12(1) of the Superannuation Act [1972 \(c. 11\)](#).

These Regulations do not impose any costs on business.