

**EXPLANATORY MEMORANDUM TO**  
**THE NATIONAL HEALTH SERVICE (PENSION SCHEME, INJURY**  
**BENEFITS, ADDITIONAL VOLUNTARY CONTRIBUTIONS AND**  
**COMPENSATION FOR PREMATURE RETIREMENT) (CIVIL**  
**PARTNERSHIP) AMENDMENT REGULATIONS 2005**

**2005 No. 3074**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The amendments to the National Health Service Pension Scheme Regulations 1995, the National Health Service (Injury Benefits) Regulations 1995, the National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000 and the National Health Service (Compensation for Premature Retirement) Regulations 2002 made by this Instrument arise from the need to make provision for civil partners following the introduction of the new status in the Civil Partnership Act 2004. These regulations will take effect from 5 December 2005.

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

3.1 None

4. **Legislative Background**

4.1 This Instrument amends the National Health Service Pension Scheme Regulations 1995 (S.I.1995/300) (regulation 2), the National Health Service (Injury Benefits) Regulations 1995 (S.I. 1995/866) (regulation 3), the National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000 (S.I. 2000/619) (regulation 4) and the National Health Service (Compensation for Premature Retirement) Regulations 2002 (S.I. 2002/1311) (regulation 5) in accordance with powers in sections 10, 12 and 24 of, and Schedule 3 to, the Superannuation Act 1972(c.11).

5. **Extent**

5.1 This instrument applies to England and Wales.

6. **European Convention on Human Rights**

The Minister of State for NHS Delivery (Lord Warner of Brockley) has made the following statement regarding Human Rights:

“In my view the provisions of the National Health Service (Pension Scheme, Injury Benefits, Additional Voluntary Contributions and Compensation for Premature Retirement) (Civil Partnership) Amendment Regulations 2005 are compatible with the Convention rights.”

## **7. Policy Background**

7.1 The amendments to these Regulations made by this Instrument arise from the implementation of the Civil Partnership Act 2004, which becomes effective from 5 December 2005. The Act provides for same-sex couples to form a legal, civil partnership recognising their relationship, together with rights and obligations equal to those of married couples. Pursuant to the policy of the Act, these Regulations will provide entitlement to survivor benefits on the death of any member of the NHS Pension Scheme with a registered civil partnership, based on scheme membership from 6 April 1988 only. Current members of the NHS Pension Scheme will also have a time-limited option to buy survivor pension cover for membership prior to 1988, on similar terms that were available to members in respect of widowers in 1988.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies distinct from that of the Civil Partnership Act 2004 itself. A full Regulatory Impact Assessment for civil partnership was published alongside the Civil Partnership Act 2004 and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>

## **9. Contact**

Mrs Jan Parkin at the Department of Health, Pay and Pensions Branch, Tel: 0113 254 6324 or e-mail [jan.parkin@dh.gsi.gov.uk](mailto:jan.parkin@dh.gsi.gov.uk) can answer any queries regarding the instrument.