
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service Pension Scheme Regulations 1995 (S.I.1995/300) (“the Pension Scheme Regulations”) and the National Health Service (Injury Benefits) Regulations 1995 (S.I.1995/866) (“the Injury Benefits Regulations”).

Regulation 1(1)(b) provides that the Regulations shall have effect as from 1st April 2004.

Regulations 2 to 10 amend the Pension Scheme Regulations.

Regulation 2 amends regulation A2 (definitions) by inserting various definitions relating to the types of medical services provided, and the persons or bodies who provide them. It also makes amendments to the definition of “employing authority” so as to include those providers.

Regulation 3 inserts new regulation A3 which deals with the date from which a company which satisfies the conditions to be an OOH provider, is to be approved as an “employing authority”. It also sets out the circumstances when such a provider may, and will, cease to be such an employing authority.

Regulation 4 amends regulation B4 (opting-out of the scheme) to enable an employee of an OOH provider that has retrospectively been approved as an employing authority for the purposes of the scheme to opt-out, join or rejoin the scheme during that retrospective period.

Regulation 5 amends regulation C1 (meaning of “pensionable pay” and “final year’s pensionable pay”) by substituting a new definition of “pensionable pay”.

Regulation 6 amends regulation D1 (contributions by members) to provide that where an employing authority has failed to deduct contributions, the Secretary of State may recover the amount of those contributions by deduction from benefits payable to, or in respect of the member if that would be to the member’s advantage and the member agrees to the deduction.

Regulation 7 amends regulation D2 (contributions by employing authorities) by adding a new paragraph (9) which provides that certain employing authorities that have failed to pay or remit contributions to the scheme in the past may, in the future, be required to have in force a guarantee, bond or indemnity to secure future payments of such contributions.

Regulation 8 amends regulation R1 of the Pension Scheme Regulations so as to provide that the pension scheme regulation apply to non-GP providers as if they were whole-time officers as from 1st April 2004.

Regulation 9 amends regulation R11 (which deals with pilot schemes) of the Pension Scheme Regulations by omitting references to a registered medical practitioner engaged in such a scheme;

Regulation 10 amends regulation U3 (accounts and actuarial reports) of the Pension Scheme Regulations so as to require certain employing authorities to provide the Secretary of State with a certificate of pensionable earnings within 12 months of the end of the financial year.

Regulation 11 amends Schedule 2 to the Pension Scheme Regulations as follows—

paragraph (2) amends paragraph 1 of that Schedule by amending and omitting existing definitions and adding new ones. In particular, it adds definitions of “board and advisory work”, “commissioned services” and “collaborative services”;

paragraph (3) makes amendments to paragraph 2 by omitting references to “the appropriate contracting party”;

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paragraph (4) amends paragraph 3 to provide new definitions of what constitute “pensionable earnings” for principal practitioners and non-GP providers;

paragraph (5) substitutes paragraph 4 to deal with pensionable earnings of practitioners practising in a partnership with or without a non-GP provider;

paragraph (6) makes consequential amendments to paragraph 5 which deals with the calculation of “pensionable earnings” in a partnership;

paragraph (7) amends paragraph 6 to provide new definitions of what constitutes “pensionable earnings” in relation to practitioners other than principal practitioners;

paragraph (8) amends paragraph 10 so as to specify to whom a principal practitioner must pay his contributions in respect of various services he provides. It also makes similar provision in relation to locum practitioners and non-GP providers and contributions payable by employing authorities;

paragraph (9) amends paragraph 19 by omitting reference to a medical practitioner;

paragraph (10) adds a new paragraph 23 which modifies regulation U3 (accounts and actuarial reports) in respect of practitioners and non-GP providers.

Regulation 12 amends the Injury Benefits Regulations as follows—

paragraph (2) makes amendments to regulation 2 (interpretation) in like manner to those made to regulation A2 of the Pension Scheme Regulations;

paragraph (3) amends regulation 3 (which deals with persons to whom the Injury Benefits Regulations apply) so as to include a non-GP provider and a person providing personal medical services who is not a practitioner;

paragraph (4) amends regulation 4A (which deals with the recovery of costs of providing increases to an allowance or lump sum under Part I of the Pensions (Increase) Act 1971) so that it also applies to a person providing personal medical services and a non-GP provider as if they were whole-time officers of the relevant Primary Care Trust.