

2007 No. 2054

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service Pension Scheme (Amendment)
Regulations 2007**

<i>Made</i> - - - -	<i>16th July 2007</i>
<i>Laid before Parliament</i>	<i>24th July 2007</i>
<i>Coming into force</i> - -	<i>1st September 2007</i>

The Secretary of State for Health, with consent of the Treasury^(a), makes the following Regulations in exercise of the powers conferred by sections 10(1) and (2) of, and Schedule 3 to, the Superannuation Act 1972^(b).

In accordance with section 10(4) of that Act, she has consulted with representatives of persons likely to be affected by these Regulations, as appeared to her to be appropriate.

Citation and commencement

1. These Regulations may be cited as the National Health Service Pension Scheme (Amendment) Regulations 2007 and shall come into force on 1st September 2007.

Amendment of the National Health Service Pension Scheme Regulations 1995

- 2.—(1) The National Health Service Pension Scheme Regulations 1995^(c) shall be amended as follows.
- (2) In regulation A2 (definitions) at the appropriate place in alphabetical order, insert—
- ““NBSBPS” means the National Biological Standards Board Pension Scheme established on 1st July 1977;”.
- (3) In regulation B1 (membership of the scheme) after paragraph (3), insert—
- “(3A) A person who was a member of the NBSBPS (including a pensioner or deferred member) on 31st August 2007 may, if the Secretary of State considers it appropriate and regulation R8A applies, be a member of the scheme.”.
- (4) After regulation R8 (former member of health service schemes), insert—

“Former members of the NBSBPS

R8A.—(1) This regulation applies—

(a) See section 10(1) of the Superannuation Act 1972 (c.11) and article 2 of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).

(b) Section 10(1) was amended by sections 57 and 58 of, and Schedule 5 to, the National Health Service Reorganisation Act 1973 (c.32) and section 4(2) of the Pensions (Miscellaneous Provisions) Act 1970 (c.7); section 12(2) was amended by section 10(1) of the Pensions (Miscellaneous Provisions) Act 1990.

(c) S.I. 1995/300.

- (a) where, on 1st September 2007, the Secretary of State agrees to accept a single transfer payment in respect of all persons who were members of the NBSBPS on 31st August 2007 (including pensioner and deferred members) to the scheme; and
- (b) whether or not that transfer payment is made on the same day the Secretary of State agrees to accept it.

(2) A person referred to in paragraph (1) who, on 31st August 2007, was not a pensioner or deferred member of the NBSBPS shall be credited with such period of pensionable service under the scheme as the Secretary of State may determine having first taken advice from the Scheme Actuary.

(3) Subject to paragraph (4), a deferred or pensioner member referred to in paragraph (1) shall be credited with a period of pensionable service under the scheme (together with the rights attaching to that credited service), calculated as if—

- (a) the employment to which the NBSBPS applied was NHS employment that terminated on 31st August 2007; and
- (b) his contributions to the NBSBPS were contributions to the scheme.

(4) Subject to paragraphs (5) and (6), a pensioner member who was entitled to a pension from the NBSBPS on 31st August 2007, shall be entitled to a member's pension under this regulation—

- (a) as from 1st September 2007; and
- (b) at a yearly rate equal to the pension he was formerly entitled to from the NBSBPS.

(5) For the purpose of calculating any further lump sum payable under regulation F2 (member dies after pension becomes payable) there shall be taken into account any pension and lump sum payments made under the rules of the NBSBPS.

(6) For the purposes of calculating any benefits that become payable in accordance with regulations G3 or H4 (member dies after pension becomes payable) on or after 1st September 2007 to the widow, widower, surviving civil partner or dependent child of a pensioner member referred to in paragraph (1), the member's pension referred to in those regulations means the member's pension under paragraph (4) of this regulation calculated without regard to any reduction that may have been made to that pension to take account of—

- (a) early retirement from the NBSBPS; or
- (b) national insurance modifications whereby benefits provided under the NBSBPS are modified for the purposes of the National Insurance Acts 1946(a) and 1965(b).

(7) Subject to paragraph (2) and (6) of regulation G1 (widow's pensions), paragraph (2) of regulation G7 (widower's pensions) and paragraph (6) of regulation G10 (surviving civil partner's pension)(c), a widow, widower or surviving civil partner of a pensioner member referred to in paragraph (1) who was entitled to a widow, widower's or surviving civil partner's pension from the NBSBPS on 31st August 2007, shall be entitled to such a pension under this regulation—

- (a) as from 1st September 2007; and
- (b) at a rate equal to the pension he or she was formerly entitled to from the NBSBPS.

(8) Subject to paragraph (3) of regulation H1 (dependent child), a dependent child of a pensioner member referred to in paragraph (1) who was entitled to a pension from the NBSBPS on 31st August 2007, shall be entitled to such a pension under this regulation—

- (a) as from 1st September 2007; and
- (b) at a rate equal to the pension he or she was formerly entitled to from the NBSBPS.”.

(a) 1946. Ch.67.

(b) 1965 c.51.

(c) Regulation G10 was inserted by regulation 2 of S.I.2005/3074.

Signed by authority of the Secretary of State for Health.

12th July 2007

Ann Keen
Parliamentary Under Secretary of State for Health Services,
Department of Health

We consent to the making of the Regulations.

16th July 2007

Alan Campbell
Frank Roy
Two of the Lords Commissioners of Her Majesty's Treasury

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”).

Regulation 2 amends the Pension Scheme Regulations as follows—

paragraph (2) inserts a definition of the National Biological Standards Board Pension Scheme (NBSBPS) into regulation A2

paragraph (3) inserts a new paragraph (3A) into regulation B1 thereby extending membership of the NHS Pension Scheme to certain former members of the NBSBPS

paragraph (4) inserts a new regulation (regulation R8A) which provides that the NHS Pension Scheme is able to accept a transfer from the NBSBPS and that transferees will receive a service credit, and that pensioner members of that scheme (and their dependents) will receive benefits under the NHS Pension Scheme based on their entitlement under the transferring scheme.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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