
STATUTORY INSTRUMENTS

2009 No. 381

**The National Health Service Pension Scheme and
Injury Benefits (Amendment) Regulations 2009**

PART 3

Amendment of the National Health Service Pension Scheme Regulations 2008

Amendment of regulation 2.C.4

22. For regulation 2.C.4 (part-time employees), substitute—

“Non-GP providers

2.C.4.—(1) If, in respect of a scheme year, a member who is a non-GP provider—

- (a) has certified their pensionable earnings in accordance with regulation 2.J.14 and forwarded a record of those earnings to the host Trust or Board, or
- (b) was not required to certify their earnings in accordance with that regulation but the host Trust or Board has the figure that represents the non-GP provider’s pensionable earnings for that scheme year,

contributions payable for that scheme year, shall be those specified in column 2 of the table in paragraph (2) of regulation 2.C.2, in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the certified or final pensionable earnings from all non-GP provider sources and any additional pensionable earnings the non-GP provider is treated as having received during a break in service in accordance with regulation 2.A.9.

(2) If paragraph (1) does not apply to a non-GP provider in respect of a scheme year, that non-GP provider shall pay contributions at the rate in column 2 of the table in paragraph (2) of regulation 2.C.2, which—

- (a) has been agreed between the host Trust or Board on the one hand and the non-GP provider on the other hand, or
- (b) corresponds to the non-GP provider’s most recent certified or final pensionable earnings referred to in paragraph (1), or
- (c) corresponds to the host Trust or Board’s estimate of the non-GP provider’s pensionable earnings from all non-GP provider sources for that year.

This is subject to paragraph (3).

(3) If paragraph (2) applies to a non-GP provider in respect of a scheme year and paragraph (1)(a) or (b) is subsequently satisfied in respect of that scheme year, that non-GP provider shall pay contributions at the rate determined in accordance with paragraph (1).

(4) A host Trust or Board may adjust a non-GP provider’s contribution rate for any scheme year determined in accordance with paragraph (2)—

- (a) by agreement between the host Trust or Board on the one hand and the non-GP provider on the other hand, or
- (b) without such agreement, if the host Trust or Board is satisfied that pensionable earnings will exceed the amount used to determine the contribution rate in accordance with that paragraph.

(5) If a member is in non-GP provider service and concurrently in practitioner service in respect of which the member is liable to pay contributions in accordance with regulation 3.C.1, contributions payable in respect of the member's non-GP provider service shall be determined under this regulation and contributions payable in respect of the member's practitioner service shall be determined under regulation 3.C.2.

(6) In determining the contributions payable in accordance with this regulation, a host Trust or Board must take account of pensionable earnings as a non-GP provider from all non-GP provider sources, including any pensionable earnings as a non-GP provider determined by another host Trust or Board.

(7) An employing authority that is not a host Trust or Board shall, in respect of any pensionable earnings it pays to a non-GP provider, take advice from any relevant host Trust or Board in determining the contributions payable in accordance with this regulation.

(8) If, apart from this paragraph, the earnings for a scheme year in respect of a member's non-GP provider service would not be a whole number of pounds, those earnings must be rounded down to the nearest whole pound.”.