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STATUTORY INSTRUMENTS

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**2010 No. 1634**

**The National Health Service Pension  
Scheme (Amendment) Regulations 2010**

**PART 3**

**Amendment of the National Health Service Pension Scheme Regulations 2008**

**Substitution of regulation 2.C.4**

**13.** For regulation 2.C.4 (non-GP providers), substitute—

**“Contribution rate and determination of pensionable earnings for non-GP providers**

**2.C.4.—**(1) Member contributions payable by a non-GP provider under regulation 2.C.1(1)(b) must be paid at the member’s contribution rate for the scheme year in question.

(2) A member’s contribution rate is the percentage specified in column 2 of the relevant table in paragraph (15) in respect of the corresponding pensionable earnings band specified in column 1 of that table into which the member’s pensionable earnings fall.

(3) The Secretary of State shall, with the consent of the Treasury, determine the pensionable earnings bands and contribution percentage rates specified in the relevant table in respect of each scheme year.

(4) Before determining those pensionable earnings bands or contribution percentage rates, the Secretary of State must consider—

- (a) the advice of the Scheme Actuary, and
- (b) in accordance with regulation 1.B.2 (cost sharing), advice from such employee and employer representatives as the Secretary of State considers appropriate.

(5) Paragraph (6) applies where, in respect of a scheme year, 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.

(6) In the circumstances referred to in paragraph (5), contributions payable for the scheme year in question shall be those specified in column 2 of the relevant table in paragraph (15) in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to—

- (a) the certified or final pensionable earnings from all non GP provider sources, and
- (b) 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.

(7) If paragraph (5) 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 relevant table in paragraph (15), on the basis of whichever of the following the host Trust or Board considers the most appropriate in the circumstances—

- (a) an amount of the non-GP provider's earnings that has been agreed between the host Trust or Board on the one hand and the non-GP provider on the other hand;
- (b) an amount of the non-GP provider's earnings that corresponds to that non-GP provider's most recent certified or final pensionable earnings referred to in paragraph (5); or
- (c) an amount of such earnings that corresponds to the host Trust or Board's estimate of that non-GP provider's pensionable earnings from all non-GP provider sources for that year.

This is subject to paragraph (8).

(8) If paragraph (7) applies to a non-GP provider in respect of a scheme year and paragraph (5)(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 (6).

(9) A host Trust or Board may adjust a non-GP provider's contribution rate for any scheme year determined in accordance with paragraph (7)—

- (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 of the non-GP provider will exceed the amount used to determine the contribution rate in accordance with that paragraph.

(10) 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.

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

(12) 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.

(13) Where paragraph (14) does not apply, a non-GP provider shall pay member contributions to the host Trust or Board.

(14) If a non-GP provider is engaged under a contract of service or for services by an employing authority or is a partner or shareholder in an employing authority that is not an OOH provider, that authority must—

- (a) deduct contributions due under this regulation from any pensionable earnings it pays to that person, and
- (b) if it is not also the host Trust or Board, pay those contributions to that Trust or Board not later than the 7th day of the month following the month in which the earnings were paid.

(15) For the purposes of this regulation "the relevant table" means—

- (a) in respect of the 2009-2010 scheme year, table 1;

(b) in respect of the 2010-2011 and any later scheme year, table 2.

**Table 1: Scheme Year 2009-2010**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £20,709	5%
£20,710 to £68,392	6.5%
£68,393 to £107,846	7.5%
£107,847 to any higher amount	8.5%

**Table 2: Scheme Year 2010-2011**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,175	5%
£21,176 to £69,931	6.5%
£69,932 to £110,273	7.5%
£110,274 to any higher amount	8.5%.”