

---

STATUTORY INSTRUMENTS

---

**2013 No. 413**

**The National Health Service Pension Scheme,  
Additional Voluntary Contributions and Injury  
Benefits (Amendment) Regulations 2013**

**PART 3**

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

**Amendment of regulation 3.A.1**

**51.**—(1) Regulation 3.A.1 (interpretation of Part 3: general) is amended as follows.

(2) At the appropriate place in the alphabetical order, insert—

““the 2008 Act” means “the Pensions Act 2008(1);”;

““2010 Regulations” means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(2);”;

““automatic enrolment date” means the date referred to in section 3(7) of the 2008 Act;”;

““automatic re-enrolment date” means the date determined in accordance with regulation 12 of the 2010 Regulations (as modified by regulation 14(3) of those Regulations);”;

““foundation trainee” means a dentist performer who is employed as a foundation trainee as a consequence of a placement arrangement made by a local postgraduate dental dean or a director of postgraduate dental education;”;

““NHS 111 services” means services provided as part of the telephone advice line commissioned by a Clinical Commissioning Group or the National Health Service Commissioning Board;”.

(3) In the definition of—

(a) “APMS contract” and “APMS contractor”(4), for—

(i) “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and

(ii) “section 83(2)(b)” substitute “section 83(2)”;

(b) “Board and advisory work”, for “primary medical” (twice) substitute “NHS”;

(c) “collaborative services”,—

(i) omit “the Secretary of State,”(twice),

(ii) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board, a Clinical Commissioning Group”,

---

(1) 2008 c.30.

(2) S.I. 2010/772.

(3) Regulation 14 was substituted by S.I. 2012/215, regulations 17, 22.

(4) Amended by S.I. 2008/2263, regulation 54(1), (2)(a).

- (iii) for “the Primary Care Trust” substitute “the National Health Service Commissioning Board, a Clinical Commissioning Group”,
- (iv) for “section 80(6)”, substitute “section 80(6A)”;
- (d) “commissioned services”—
  - (i) in paragraph (b)(i), omit “a Strategic Health Authority or”,
  - (ii) for sub-paragraph (ii), substitute—
    - “(ii) the National Assembly for Wales, the National Health Service Commissioning Board or a Local Health Board under, in the case of England section 12ZA of the 2006 Act or, in the case of Wales, section 10 of the 2006 (Wales) Act (which relates to arrangements made with any person or body including a voluntary one, for the provision of services under the Act); or”,
  - (iii) at the end of paragraph (b)(iv), insert “or”,
  - (iv) after paragraph (b)(iv), add—
    - “(v) a local authority acting under section 2B of the 2006 Act;”;
- (e) “dentist performer”—
  - (i) in paragraph (a), for “vocational trainee” substitute “foundation trainee” and for “vocational training” substitute “foundation training”,
  - (ii) for paragraph (b)(iii), substitute—
    - “(iii) a contract for services with a Local Health Board which relates to arrangements under which it provides primary dental services under section 56(2) of the 2006 (Wales) Act (primary dental services) or a PDS agreement to which a PDS contractor is not a party;”;
- (f) “employing authority”—
  - (i) paragraphs (a) and (c) are omitted,
  - (ii) in paragraph (g)(i), after the words “an Act relating to health services” insert “(in whole or in part)”,
  - (iii) in paragraph (n), omit “Trust or”, and
  - (iv) after paragraph (n), add—
    - “(o) the National Health Service Commissioning Board established under section 9 of the Health and Social Care Act 2012;
    - (p) a Clinical Commissioning Group established under section 10 of the Health and Social Care Act 2012;”;
- (g) “GDS Contractor” for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (h) “GMS practice”(5) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (i) “GP performer”—
  - (i) for “or certification services”, substitute “, certification services, Board and advisory work, health-related functions exercised under section 75 of the 2006 Act, NHS 111 services or pharmaceutical services”,
  - (ii) in paragraph (c)—
    - (aa) omit “a Primary Care Trust or”,

- (bb) in sub-paragraph (i), omit “83(2)(a) of the 2006 Act or”,
- (iii) in sub-paragraph (ii), omit “or section 92 arrangements made between a Primary Care Trust or a Local Health Board and a Strategic Health Authority”;
- (j) “host Trust or Board”(6)—
  - (i) for “host Trust or Board” substitute “host Board”,
  - (ii) for “each Primary Care Trust or Local Health Board” (twice) substitute “the National Health Service Commissioning Board or each Local Health Board”,
  - (iii) for “relevant Trust or Board” substitute “relevant Board”,
  - (iv) for “appropriate Trust or Board” (twice) substitute “appropriate Board”,
  - (v) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (k) “locum practitioner”—
  - (i) in paragraph (e), omit “Primary Care Trust or”, and
  - (ii) after “certification services” insert “, Board and advisory work, health related functions exercised under section 75 of the 2006 Act, NHS 111 services”;
- (l) “medical performers’ list”, in paragraph (a), for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (m) “ophthalmic provider”(7), in paragraph (a)(i), for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (n) “PDS contractor”, in paragraph (b)—
  - (i) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
  - (ii) omit “nor a Strategic Health Authority.”;
- (o) “PMS practice”, for—
  - (i) “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
  - (ii) “the Primary Care Trust” substitute “the National Health Service Commissioning Board”;
- (p) “type 2 dental practitioner”—
  - (i) in paragraph (a), for “vocational trainee” substitute “foundation trainee”,
  - (ii) in paragraph (b)—
    - (aa) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,
    - (bb) omit “Trust or”, and
    - (cc) omit “in the case of England, section 99(2) of the 2006 Act or.”;
- (q) “type 2 medical practitioner” omit “a Primary Care Trust” (twice).
- (4) Omit the definitions of “Executive Committee” and “vocational trainee”.
- (5) For the definition of—
  - (a) “enhanced services” substitute—  
“enhanced services, in relation to—

---

(6) Substituted by [S.I. 2009/2446](#), regulations 11, 53(1), (4)(b) and amended by [S.I. 2010/492](#), regulations 16, 36(b).

(7) Substituted by [S.I. 2008/2263](#), regulation 54(1), 2(h)(i) and amended by [S.I. 2010/492](#), regulations 16, 36(c).

---

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

- (a) a GMS practice, has the meaning given in regulation 2(1) of the GMS Contracts Regulations; or
- (b) any other performer or provider of primary medical services, means services which, if provided by a GMS practice, would be enhanced services within the meaning given in regulation 2(1) of those Regulations,

and, in each case, includes local enhanced services and public health local enhanced services which were, prior to 1st April 2013, commissioned by a Primary Care Trust under regulation 2(1) of the GMS Contracts Regulations as—

- (i) local enhanced services, or
- (ii) public health local enhanced services and transferred, on or after 1st April 2013, to a local authority by a transfer scheme made pursuant to section 300 of the Health and Social Care Act 2012”; and

- (b) “pay period” substitute—

“pay period” means, in relation to members who receive either salary, wages or other regular payments under a contract of employment or a contract for services, the period in respect of which each payment is made in accordance with the terms of that contract;”.