
STATUTORY INSTRUMENTS

2014 No. 570

**The National Health Service Pension
Scheme (Amendment) Regulations 2014**

PART 3

Amendment of the National Health Service Pension Scheme Regulations 2008

Amendment of regulation 2.A.1

20. In regulation 2.A.1 (interpretation: general)—

(a) in paragraph (2)—

(i) in the definition of “employing authority”(1), after paragraph (p) add—

“(q) an Independent Provider”;

(ii) in paragraph (e) of the definition of “locum practitioner”(2), after “Board” insert “or the National Health Service Commissioning Board”;

(iii) omit the definition of “host Board”;

(b) at the appropriate place in the alphabetical order—

(i) in paragraph (1), insert—

““75% threshold” means 75% of the total gross amounts payable in a scheme year to an Independent Provider by the commissioning party in respect of a qualifying contract they have entered into;

“commissioning party” means a person who commissions services from an Independent Provider under a qualifying contract;

“consumer prices index” means the all items consumer prices index published by the Statistics Board of the UK Statistics Authority for the month of February immediately preceding a relevant year”

“closed approval” shall be construed in accordance with regulation 2.M.3;”;

(ii) in paragraph (2), insert—

““IP guarantee” shall be construed in accordance with regulation 2.M.2;

“Independent Provider” is to be construed in accordance with regulation 2.M.1;

“NHS standard contract” means the standard commissioning contract from time to time drafted by the National Health Service Commissioning Board pursuant to its powers under regulation 17 of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) 2012(3);

(1) The definition of “employing authority” was last amended by [S.I. 2013/413](#) (regulations 22 and 25).

(2) The definition of “locum practitioner” was last amended by [S.I. 2013/413](#) (regulations 22 and 25).

(3) [S.I. 2012/2996](#).

“open approval” is to be construed in accordance with regulation 2.M.3;

“qualifying contract” means a contract between a relevant commissioning party and an Independent Provider the primary purpose of which is the provision of clinical health care services for the NHS and which is—

- (a) an NHS standard contract;
- (b) an APMS contract, or
- (c) a contract entered into by a local authority pursuant to its functions under the National Health Services Act 2006 relating to the improvement and protection of public health and which the Secretary of State agrees to treat as a qualifying contract for these purposes;”

“wholly or mainly condition” is to be construed in accordance with regulation 2.M.1(2);

(c) after paragraph (2), insert—

“(2A) In these Regulations—

(a) “host Board”—

- (i) in respect of a non-GP provider who is a partner in a partnership that has entered into a PMS agreement for the provision of primary medical services, means the National Health Service Commissioning Board or each Local Health Board with whom that Provider has entered into such an agreement;
 - (ii) in respect of a non-GP provider who is a partner in a partnership that has entered into a GMS contract for the provision of primary medical services, means the National Health Service Commissioning Board or each Local Health Board with which that partnership has entered into such an agreement;
 - (iii) in respect of a non-GP provider who is a partner in a partnership that is an APMS contractor which has entered into an APMS contract for the provision of primary medical services, means the National Health Service Commissioning Board or each Local Health Board with which that partnership has entered into such a contract;
 - (iv) in respect of a non-GP provider who is a shareholder in a company limited by shares that is a GMS practice or a PMS practice or an APMS contractor which has entered into a GMS contract, PMS agreement or APMS contract for the provision of primary medical services, means the National Health Service Commissioning Board or each Local Health Board with which that company has entered into such an agreement or contract;
 - (v) in respect of a non-GP provider who is an individual who is a GMS practice or a PMS practice or an APMS contractor, means the National Health Service Commissioning Board or each Local Health Board with which that practice or contractor has entered into a PMS agreement or an APMS contract as such a practice or contractor;
- (b) a person referred to in sub-paragraph (a) is deemed to be employed by the appropriate Board, except where—
- (i) regulation 2.C.5(7) or (8) applies, or
 - (ii) contributions payable pursuant to regulation 2.C.5 by an employing authority in respect of a non-GP Provider: in such a case those contributions and any administration charge or interest under regulation 2.J.9A which attaches to them, are not payable by the NHS

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Commissioning Board or a relevant Local Health Board but are payable by that non-GP Provider or by the practice in which they are a non-GP provider.”.