
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 3.A.1

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

(2) In paragraph (1)—

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

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

““IP guarantee” means a guarantee, indemnity, bond or other form of assurance which the Secretary of State may require an Independent Provider to provide to guarantee payment to the Secretary of State of such of the Independent Provider’s liabilities or potential liabilities under this Section of the Scheme as the Secretary of State specifies;”

“Independent Provider” means a person that employs an individual under a contract of service and which—

(a) is not otherwise an employing authority in respect of that individual;

(b) is a party to a qualifying contract;

(c) has been granted employing authority status for the purposes of this Section of the Scheme by the Secretary of State following an approval application made by it to the Secretary of State for that purpose under Part 2 of these Regulations, and

(d) has if so required by the Secretary of State, provided the Secretary of State with an IP guarantee;

“NHS standard contract” means the standard commissioning contract from time to time drafted by 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(1);

“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 2006 Act relating to the improvement and protection of public health and which the Secretary of State agrees to treat as a qualifying contract for the purposes of Part 2 of these Regulations;”.
- (3) After paragraph (1), add—
- “(2) In these Regulations—
- (a) “host Board”—
- (i) in respect of a type 1 medical practitioner 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 type 1 medical practitioner 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 type 1 medical practitioner 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 type 1 medical practitioner 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 type 1 medical practitioner 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 an agreement or contract as such a practice or contractor;
- (vi) in respect of a GDS or a PDS contractor who is a dentist performer, means the National Health Service Commissioning Board or each Local Health Board with whom the dentist performer performs primary dental services under—
- (aa) a GDS contract;
- (bb) a PDS agreement (whether or not a PDS contractor is a party to that agreement);
- (cc) a contract for services with the National Health Service Commissioning Board or each Local Health Board which relates to arrangements under which it provides primary dental services under section 99(2) of the 2006 Act (in the case of England) or section 56(2) of the “2006 (Wales) Act (in the case of Wales);
- (b) a person referred to in paragraphs (i) to (v) of sub-paragraph (a) is deemed to be employed by the appropriate Board, except where—
- (i) regulation 3.C.5(5) or (6) applies, or

- (ii) contributions payable pursuant to regulation 3.C.3 by an employing authority in respect of a GP Provider: in such a case those contributions and any administration charge or interest under regulation 3.J.9A which attaches to them, are not payable by the NHS Commissioning Board or a relevant Local Health Board but are payable by that GP Provider or the practice where they are a GP Provider;
- (c) a person referred to in paragraph (vi) of sub-paragraph (a) is deemed to be employed by the appropriate Board.”.