
STATUTORY INSTRUMENTS

2015 No. 94

The National Health Service Pension Scheme Regulations 2015

PART 4

Contributions

CHAPTER 1

Determination and payment

Pensionable earnings

27.—(1) The pensionable earnings of a member (M) are defined by the appropriate entry in the Table where—

- (a) column 1 applies an identifying letter to the group to which M belongs;
- (b) column 2 describes M's employment in or engagement with a health service activity; and
- (c) column 3 specifies the nature of the income derived by M from the employment or engagement.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Group	Employment/Engagement	Income
A	M is employed by an NHS organisation.	Salary, wages, fees and other regular payments made to M in respect of M's employment but not including—
B	M is employed by a medical contractor, a non-GP provider or a dental contractor.	(a) bonuses;
C	M is employed by— (a) a determination employer; or (b) an independent provider.	(b) payments made to cover expenses; (c) payments for overtime; or (d) pay awards or increases which are expressed by the Secretary of State to be non-consolidated.
D	M is— (a) a medical practitioner; (b) a dental practitioner; or (c) a non-GP provider.	Practitioner income: see Schedule 10.

(2) M's pensionable earnings may be attributable to M belonging concurrently to more than one group in the Table.

(3) If M is a non-GP provider—

- (a) paragraph (2) does not apply;

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- (b) if M derives income from more than one entity as a non-GP provider, M's practitioner income in respect of only one of those may be taken into account for the purpose of establishing M's pensionable earnings.
- (4) If, in addition to an employment mentioned in paragraph (1), M holds an honorary office or appointment, a distinction award payable to M as a consequence of holding the office or appointment is treated—
- (a) where M is in one employment, as pensionable earnings of that employment;
- (b) where M is in two or more employments, as pensionable earnings of such of the employments as the scheme manager thinks appropriate.
- (5) In paragraph (1), a practitioner is a person who is—
- (a) a fully registered person (within the meaning of section 55 of the Medical Act 1983 ^{M1}) who is not a GP registrar and is—
- (i) a medical practitioner;
- (ii) an ophthalmic practitioner; or
- (iii) a locum practitioner; or
- (b) a dental practitioner.

Marginal Citations

M1 1983 c.54. The definition of “fully registered person” has been amended by S.I. 2000/3041, 2006/1914, 2007/3101 and 2008/1774.

Pensionable earnings: break in service

- 28.**—(1) Paragraph (3) applies to a member (M) if—
- (a) the absence condition is satisfied; and
- (b) the earnings used to calculate M's pensionable earnings under regulation 27 are reduced or cease.
- (2) The absence condition is that M is absent from work because of—
- (a) illness or injury;
- (b) maternity leave;
- (c) adoption leave;
- (d) paternity leave; or
- (e) parental leave [^{F1}shared parental leave or parental bereavement leave].
- (3) Amounts equal to the pensionable earnings that M would have received but for the absence are treated as having been paid to M.
- (4) Paragraph (3) does not apply to M as respects any period after the earnings used to calculate M's pensionable earnings under regulation 27 have ceased to be paid to M if—
- (a) M is neither a practitioner nor a non-GP provider; and
- (b) M is within paragraph (2)(a).
- (5) For the purposes of regulations 27 to 31, amounts equal to reduced earnings to which paragraph (6) applies are treated as pensionable earnings.
- (6) The reduced earnings are the amount to which the earnings used to calculate M's pensionable earnings under regulation 27 are reduced—

- (a) for any period while M is within paragraph (2);
 - (b) for any period (period A) while M is within paragraph (2)(b) to (e) and during a period following that period (period B) whilst M continues to be within that paragraph and M's earnings are reduced to zero.
- (7) For the purposes of paragraph (6)(b)—
- (a) pay received by a woman on maternity leave in respect of days during which she returns to work for the purpose of keeping in touch with the workplace must be ignored;
 - (b) earnings reduced to zero in period B are treated as if they were reduced to the amount applicable to period A.
- (8) During any period of absence which counts as pensionable service under regulation 21(4) or (6) (up to 24 months leave of absence with full contributions), amounts equal to the rate of M's pensionable earnings immediately before the absence are treated as pensionable earnings.
- (9) This paragraph applies if M belongs to group D in regulation 27(1) and M's earnings have been reduced or ceased—
- (a) if M is one of a number of practitioners or non-GP providers who have elected under paragraph 4(4) of Schedule 10, each practitioner's or non-GP provider's pensionable earnings are calculated as if the partnership's aggregate pensionable earnings were equal to the amount of the partnership's aggregate pensionable earnings for the period of 12 months ending immediately before M's earnings were reduced or ceased;
 - (b) in any other case, M is treated as having continued to receive the same average rate of pensionable earnings as during that period.
- (10) If the earnings used to calculate M's pensionable earnings cease during a period of absence specified in paragraph (2)—
- (a) a practitioner or non-GP provider within paragraph (2)(a) is treated as having continued in pensionable employment for a period of 12 months starting on the date on which M's earnings ceased and M is not treated as having left pensionable employment until the end of that period;
 - (b) a practitioner or non-GP provider falling within paragraph (2)(b) to (e) who paid contributions on the basis of reduced earnings in accordance with paragraphs (5) and (6) (b) must continue to pay contributions at that rate, but no refund of contributions or other benefit is payable until M actually leaves pensionable employment;
 - (c) a member other than a practitioner or non-GP provider is treated (subject to paragraph (7)) as having left pensionable employment, but no refund of contributions or other benefit is payable until M actually leaves pensionable employment.
- (11) For the purposes of paragraph (10)(a)—
- (a) during the 12 month period, the practitioner's or non-GP provider's pensionable earnings are to be calculated in accordance with paragraph (9)(a) or (b);
 - (b) at the end of the 12 month period, when M is regarded as having left pensionable employment, no refund of contributions or other benefit is payable until M leaves pensionable employment.
- (12) For the purposes of paragraph (10)(b), the rate of contributions payable is the rate that would have been payable on the basis of reduced earnings in accordance with paragraph (5) and (6)(a) if the practitioner's or non-GP provider's reduced earnings had excluded earnings for a day during which the practitioner or non-GP provider, whilst on maternity leave, returned to work for the purpose of keeping in touch with the workplace.
- (13) If M fails to pay contributions which are required to be paid in respect of a period of absence to which this regulation applies—

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- (a) M is treated as having left pensionable employment; but
- (b) no refund of contributions or other benefit is payable until M actually leaves pensionable employment.

(14) Benefits payable on the death of a member whose earnings ceased during a period of absence to which paragraph (2) applies are calculated as if the member had died in pensionable employment the day before the earnings ceased.

Textual Amendments

- F1** Words in [reg. 28\(2\)\(e\)](#) substituted (6.4.2020) by [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), [regs. 1, 37\(3\)](#)

Pensionable earnings: more than one employment

29.—(1) This regulation applies if, at any time, a member (M) is in receipt of pensionable earnings in respect of two or more employments each of which is attributable to M belonging to any of groups A to C in the table in regulation 27.

(2) If it appears to the scheme manager that the total pensionable earnings for the employments exceeds the comparable amount, the excess is ignored for the purposes of this Part.

(3) The comparable amount is the amount that would be the pensionable earnings for a single comparable whole-time employment, not held concurrently with any other employment, under which services of the kinds performed in the two or more employments are performed.

(4) Each employing authority of M's must provide the scheme manager with such information relating to M's employment as the scheme manager requires for the purpose of enabling the scheme manager to determine what is a single comparable whole-time employment.

(5) In determining what is a single comparable whole-time employment, the scheme manager must have regard to guidance issued by the scheme actuary for the purpose.

- (6) It is immaterial whether one or more of the employments mentioned in paragraph (1)—
- (a) is with the same employing authority; or
 - (b) is treated as a part-time employment.

(7) An employment includes a contract to perform services.

Members' contributions: employees

30.—(1) This regulation applies in relation to an active member (M) who belongs to group A, B or C in regulation 27(1).

(2) M must make contributions to this scheme (“members' contributions”)—

- (a) in respect of M's pensionable earnings;
- (b) at M's contribution rate for the scheme year in question.

(3) Where paragraph 2 of Schedule 11 (determination of pensionable earnings for the purposes of setting a contribution rate for members) applies, M's contribution rate for [^{F2}the scheme year [^{F3}2023/24]] is the percentage specified in column 2 of the following table in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.

[^{F4}Table Scheme Year [^{F3}2023/24]

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%
£56,164 to £72,030	12.5%
£72,031 and above	13.5%]

[^{F5}(3A) Where paragraph 2A or 3 of Schedule 11 applies, M's contribution rate for the scheme year [^{F6}2023/24] is the percentage specified in column 2 of the following table in respect of the corresponding pensionable earnings band specified in column 1 into which M's pensionable earnings fall.

Table Scheme Year [^{F6}2023/24]

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%
£56,164 to £72,030	12.5%
£72,031 and above	13.5%]

(4) The Secretary of State must—

(a) with the consent of the Treasury; and

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(b) having considered the advice of the scheme actuary,

determine the pensionable earnings bands and contribution percentage rates in the [^{F7}tables] set out in this regulation in respect of each subsequent scheme year.

(5) M's employing authority must deduct member contributions from M's pensionable earnings and pay them to the scheme manager not later than the 19th day of the month following that in which the earnings were paid to M.

(6) If M's employing authority has failed to deduct contributions pursuant to paragraph (5), the scheme manager may recover the amount of unpaid contributions by deduction from benefits payable to, or in respect of, M if the scheme manager has notified M of an intention to do so.

Textual Amendments

- F2** Words in reg. 30(3) substituted (1.10.2022) by The National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022 (S.I. 2022/273), regs. 1(3), **3(2)(a)**
- F3** Word in reg. 30(3) substituted (1.4.2023) by The National Health Service Pension Schemes (Amendment) Regulations 2023 (S.I. 2023/301), regs. 1(2), **9(2)**
- F4** Reg. 30(3) Table substituted (1.10.2022) by The National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022 (S.I. 2022/273), regs. 1(3), **3(2)(b)** (as amended by S.I. 2022/991, regs. 1(2), **2(2)(a)**)
- F5** Reg. 30(3A) inserted (1.10.2022) by The National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022 (S.I. 2022/273), regs. 1(3), **3(3)** (as amended by S.I. 2022/991, regs. 1(2), **2(2)(b)**)
- F6** Word in reg. 30(3A) substituted (1.4.2023) by The National Health Service Pension Schemes (Amendment) Regulations 2023 (S.I. 2023/301), regs. 1(2), **9(3)**
- F7** Word in reg. 30(4) substituted (1.10.2022) by The National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022 (S.I. 2022/273), regs. 1(3), **3(4)**

Members' contributions: practitioners and non-GP providers

31.—(1) This regulation applies to an active member (M) who belongs to group D in regulation 27(1).

(2) M must make contributions to this scheme (“members' contributions”)—

- (a) in respect of M's pensionable earnings;
- (b) at M's contribution rate for the scheme year in question.

(3) M's contribution rate for [^{F8}the scheme year in question] is the percentage specified in column 2 of the [^{F9}relevant] table in paragraph (9) ^{F10}...in respect of the corresponding pensionable earnings band specified in column 1 of the [^{F11}relevant table in paragraph (9)] into which M's pensionable earnings fall.

(4) The Secretary of State must—

- (a) with the consent of the Treasury; and
- (b) having considered the advice of the scheme actuary,

determine the pensionable earnings bands and contribution percentage rates specified in [^{F12}paragraph (9)] in respect of each subsequent scheme year.

(5) In determining members' contributions payable in accordance with this regulation, a host Board must take account of pensionable earnings from all practitioner service, including such pensionable earnings determined by another host Board.

(6) An employing authority that is not a host Board must, in respect of pensionable earnings it pays to M, take advice from a relevant host Board in determining the contributions payable in accordance with this regulation.

(7) If M 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, the authority must—

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

(8) In any other case, M must pay members' contributions to the host board not later than the 7th day of the month following the month in which the earnings were paid.

^[F13](9) For the purposes of this regulation, the “relevant table” means—

- (a) in respect of ^[F14]the scheme year 2022/23, Table 1A and Table 1B as applicable];
- (b) in respect of the scheme year ^[F15]2023/24], Table 2.

^[F16]**Table 1A Scheme Year 2022/23 from 1st April 2022 to 30th September 2022]**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £15,431	5.0%
£15,432 to £21,477	5.6%
£21,478 to £26,823	7.1%
£26,824 to £47,845	9.3%
£47,846 to £70,630	12.5%
£70,631 to £111,376	13.5%
£111,377 to any higher amount	14.5%

^[F17]**Table 1B Scheme Year 2022/23 from 1st October 2022 to 31st March 2023**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%

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<i>Column 1</i>	<i>Column 2</i>
£56,164 to £72,030	12.5%
£72,031 and above	13.5%]

Table 2 Scheme Year [^{F18}2023/24]

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%
£56,164 to £72,030	12.5%
£72,031 and above	13.5%]

(10) Regulations 38 and 39 and Schedule 12 make provision supplementary to this regulation and references in those regulations to [^{F19}the relevant table] must be construed in accordance with paragraph (3).

Textual Amendments

- F8** Words in [reg. 31\(3\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **4(2)(a)**
- F9** Word in [reg. 31\(3\)](#) inserted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **4(2)(b)**
- F10** Words in [reg. 31\(3\)](#) omitted (1.10.2022) by virtue of [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **4(2)(c)**
- F11** Words in [reg. 31\(3\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **4(2)(d)**
- F12** Words in [reg. 31\(4\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **4(3)**
- F13** [Reg. 31\(9\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **4(4)** (as amended by [S.I. 2022/991](#), regs. 1(3), **2(3)**)
- F14** Words in [reg. 31\(9\)\(a\)](#) substituted (1.4.2023) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2023 \(S.I. 2023/301\)](#), regs. 1(2), **10(2)(a)**
- F15** Word in [reg. 31\(9\)\(b\)](#) substituted (1.4.2023) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2023 \(S.I. 2023/301\)](#), regs. 1(2), **10(2)(b)**
- F16** Words in [reg. 31\(9\)](#) substituted (1.4.2023) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2023 \(S.I. 2023/301\)](#), regs. 1(2), **10(2)(c)**

- F17** Reg. 31(9) Table 1B inserted (1.4.2023) by The National Health Service Pension Schemes (Amendment) Regulations 2023 (S.I. 2023/301), regs. 1(2), **10(2)(d)**
- F18** Words in reg. 31(9) substituted (1.4.2023) by The National Health Service Pension Schemes (Amendment) Regulations 2023 (S.I. 2023/301), regs. 1(2), **10(2)(e)**
- F19** Words in reg. 31(10) substituted (1.10.2022) by The National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022 (S.I. 2022/273), regs. 1(3), **4(5)**

Modifications etc. (not altering text)

- C1** Reg. 31 modified (temp.) (1.4.2023) by The National Health Service Pension Schemes (Amendment) Regulations 2023 (S.I. 2023/301), regs. 1(2), **25** (with reg. 24)

Members' contributions: redundancy

32.—(1) This regulation applies if—

- (a) a member's (M) employment is terminated by reason of redundancy;
- (b) M will become entitled to payment of a pension under regulation 82 on the entitlement day for a premature retirement pension;
- (c) the additional contribution option applies to M; and
- (d) unless M pays an additional contribution as mentioned in paragraph (2), the amount of M's pension would be reduced pursuant to paragraph 7(5) of Schedule 13.

(2) M may pay such additional contribution as the scheme manager (having regard to the advice of the scheme actuary) determines will be sufficient to meet the cost of the pension insofar as that is not met by the contribution paid by M's employing authority under regulation 35.

(3) For the purposes of paragraph (2), the scheme manager must provide M's employing authority with such information as will enable the employing authority to notify M as to the effect that paying contributions of any particular amount would have on the amount of the pension payable to M.

(4) The amount of the additional contribution payable pursuant to paragraph (2) must be—

- (a) not less than £500 (or such other figure as the scheme manager thinks appropriate);
- (b) a whole number of pounds divisible by £10.

(5) For the purposes of paragraph (4)—

- (a) if the insufficiency mentioned in paragraph 7(4) of Schedule 13 is less than £500, sub-paragraph (a) is ignored;
- (b) if it is necessary to do so to comply with sub-paragraph (b), the figure must be rounded down to the nearest whole number of pounds divisible by £10.

(6) If M decides to pay an additional contribution, the amount of the contribution must be paid to M's employing authority in sufficient time to enable the authority to remit the payment to the scheme manager at the same time as the authority pays the contribution it is required to pay pursuant to regulation 35.

(7) The additional contribution option applies if the terms and conditions of M's employment entitle M optionally to make an additional contribution towards the cost of paying the pension if the lump sum payment is insufficient to meet that cost in full.

Contributions by employing authorities

33.—(1) The employing authority of an active member of this scheme must contribute to the scheme in respect of the pensionable earnings of the member at the employing authority's standard rate: [^{F20}20.6%].

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Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

- (2) Paragraph (3) applies if—
- (a) during the same period a person who belongs to any of groups A to C in the table in regulation 27(1) holds more than one employment (whether under a contract of service or for services) with an employing authority; and
 - (b) is an active member of this scheme in respect of each employment.
- (3) This regulation and regulations 34 and 35 apply in respect of each employment as if it were the only employment held by the person.
- (4) The Secretary of State may direct that for the purposes of this Part, “employing authority” includes one or more of the following—
- (a) the transferee under a transfer of staff order pursuant to—
 - (i) in the case of England, section 28(4)(b) of, or paragraph 29(3) of Schedule 4 to, the 2006 Act ^{M2};
 - (ii) in the case of Wales, section 22(4)(b) of, or paragraph 8 of Schedule 3 to, the 2006 (Wales) Act ^{M3};
 - (b) a successor, transmittee or assignee of all or part of an employing authority's business or functions;
 - (c) the last employing authority of a person to whom these Regulations apply.
- (5) The employing authority's standard rate contribution must be paid to the scheme manager not later than the 19th day of the month following that in which the member is paid the pensionable earnings to which the contribution relates.
- (6) A member's employing authority is determined in accordance with the following table where column 1 describes the nature of the member's engagement in the provision of health services and column 2 identifies the employing authority relating to that engagement.

Table

<i>Column 1</i> <i>Nature of engagement</i>	<i>Column 2</i> <i>Employing authority</i>
Employment by an NHS organisation	The NHS organisation
Employment by a GMS practice, a PMS practice or an APMS contractor or OOH provider [^{F21} or a primary care network management company]	The GMS practice, PMS practice or APMS contractor or OOH provider [^{F21} or a primary care network management company] in question
Employment by a determination employer	The determination employer
Employment by an independent provider	The independent provider
Medical practitioner employed by a medical contractor or non-GP provider [^{F21} or a primary care network management company]	The host Board
Medical contractor or non-GP provider [^{F21} or a primary care network management company] (including an ophthalmic medical practitioner with a GOS contract)	The host Board
Dental practitioner or foundation trainee providing services to a dental contractor	The host Board

Dental contractor

The host Board

- (7) Despite paragraph (1), employing authority contributions for—
- (a) a medical practitioner employed by a medical contractor or non-GP provider must be paid by the medical contractor or non-GP provider (as the case may be);
 - (b) a medical contractor (including an ophthalmic medical practitioner with a GOS contract) or a non-GP provider must be paid by the medical contractor or non-GP provider (as the case may be).

(8) Contributions payable by an employing authority under regulation 48(3) or 57 for a medical practitioner employed by a medical contractor or non-GP provider must be paid by the medical contractor or non-GP provider (as the case may be) rather than the host Board.

Textual Amendments

- F20** Word in reg. 33(1) substituted (1.4.2019) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), regs. 1(2), **80**
- F21** Words in reg. 33(6) table inserted (1.4.2023) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2023 \(S.I. 2023/301\)](#), regs. 1(2), **11**

Marginal Citations

- M2** [2006 c.41](#). Paragraph 29(3) of Schedule 4 was amended by section 55(1) of, and paragraphs 22(1) and (9) of Schedule 4 to, the [Health and Social Care Act 2012 \(c.7\)](#).
- M3** [2006 c.42](#). Paragraph 8 of Schedule 3 was amended by section 297 of, and paragraphs 12 and 40(1) and (5) of Schedule 21 to, the [Health and Social Care Act 2012](#).

Employing authority contributions: interests of efficiency

- 34.**—(1) This regulation applies if—
- (a) a member's (M) employment is terminated by M's employing authority in the interests of the efficient discharge of the employing authority's functions; and
 - (b) M will become entitled to payment of a pension under regulation 81 on the entitlement day for a premature retirement pension.
- (2) The employing authority must make a contribution to the scheme manager in respect of the amount the scheme manager determines is required to meet the cost of paying the premature retirement pension under regulation 81.
- (3) Paragraph (4) applies if—
- (a) a pension becomes payable to M under regulation 81 in respect of the termination of M's employment with an employing authority (the “ first authority ”); and
 - (b) M elects that at the same time a pension also becomes payable to M in respect of pensionable service with one or more other employing authorities.
- (4) The first authority must also make any additional contribution for which the other employing authority or authorities would be liable in accordance with paragraph (2) if the other authority or authorities had terminated M's employment as mentioned in paragraph (1)(a).
- (5) An employing authority is not responsible for meeting any costs in respect of the early payment of benefits to the extent that the benefits are attributable to contributions made under Chapter 5 of Part 4 (additional pension).

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

(6) An employing authority must pay contributions under this regulation by a single payment made within one month of the date on which the pension under regulation 81 becomes payable.

(7) The scheme manager, on the advice of the scheme actuary, must determine—

- (a) the costs mentioned in paragraph (2);
- (b) the amount of the payment mentioned in paragraph (4).

Employing authority contributions: redundancy

35.—(1) This regulation applies if—

- (a) a member's (M) employment is terminated by reason of redundancy; and
- (b) M will become entitled to payment of a pension under regulation 82 on the entitlement day for a premature retirement pension.

(2) M's employing authority must make a single lump sum contribution to the scheme manager of the relevant amount.

(3) The contribution must be paid—

- (a) if the additional contribution option applies, not less than one month before the entitlement day (see regulation 83);
- (b) in any other case, within one month of the date on which the pension under regulation 82 became payable.

(4) The relevant amount is—

- (a) if the additional contribution option applies, whichever is the lesser of—
 - (i) the amount the scheme manager determines is required to meet the cost of paying the premature retirement pension under regulation 82; and
 - (ii) the amount the employing authority would otherwise be required to pay to M in consequence of M's redundancy;
- (b) in any other case, the amount determined under sub-paragraph (a)(i).

(5) The reference to the additional contribution option must be construed in accordance with regulation 32(7).

(6) Paragraph (7) applies if—

- (a) a pension becomes payable to M under regulation 82 in respect of the termination of M's employment with an employing authority (the “ first authority ”); and
- (b) M elects that at the same time a pension also becomes payable to M in respect of pensionable service with one or more employing authorities.

(7) The first authority must also make any additional contribution for which the other employing authority or authorities would be liable in accordance with paragraph (2) if the other authority or authorities had terminated M's employment as mentioned in paragraph (1)(a).

(8) In making a determination for the purposes of paragraph (4)(a)(i), the scheme manager must have regard to the advice of the scheme actuary.

Interest and administration charges: late paid contributions

36.—(1) There is a chargeable event if an employing authority fails to pay—

- (a) the contributions [^{F22}and the scheme administration charge] it is required to pay under regulation 30, 31, 33, 34, 35, [^{F23}36A,] 48 or 57;
- (b) on or before the date specified in the regulation concerned.

(2) Where there is a chargeable event, the scheme manager may determine what amount of contributions [^{F24}or, as the case may be, the scheme administration charge] are unpaid having regard to—

- (a) the amount of contributions [^{F24}or, as the case may be, the scheme administration charge] historically paid at a chargeable event by that employing authority;
- (b) any reasons or explanation provided by the employing authority for the change in the amount of contributions [^{F24}or, as the case may be, the scheme administration charge] (if any) it has paid at such an event;
- (c) any other factors that the scheme manager considers relevant.

[^{F25}(3) Where there is a chargeable event, the employing authority is liable to pay—

- (a) standard rate interest on the amount of unpaid contributions constituting that event or the amount of unpaid scheme administration charge constituting that event; or
- (b) both interest and the charge referred to in (a); and
- (c) a supplementary charge in respect of each such event.]

(4) Where the scheme manager becomes aware of a chargeable event, the scheme manager must give the employing authority a written notice specifying—

- (a) the date of the chargeable event;
- (b) the amount of unpaid contributions [^{F26}or, as the case may be, the scheme administration charge] determined under paragraph (2);
- (c) the amount of interest at the standard rate payable in respect that event;
- (d) the amount of [^{F27}supplementary charge] payable in respect of it; and
- (e) that payment of the amounts referred to in paragraphs (c) and (d) is to be made before the end of the period of 1 month starting with the date of the notice and that failure to do so incurs further interest and [^{F28}supplementary charges].

(5) An amount payable by way of interest or payable by way of an [^{F29}supplementary charge] is to be paid as a single lump sum unless the scheme manager—

- (a) considers the case to be exceptional; and
- (b) considers it appropriate for all, or part, of the amount to be paid over a period and by a number of instalments determined by the scheme manager.

(6) Where the scheme manager considers the case to be exceptional, nothing in the preceding paragraphs prevents the scheme manager from waiving all or any part of the amount of interest, or all or any [^{F30}supplementary charges], payable.

(7) The standard rate of interest in respect of arrears for the scheme year 2015/2016 and subsequent years is the rate of the consumer prices index for the month of February immediately preceding the scheme year in which the chargeable event arose plus 3% compounded at annual intervals.

(8) The [^{F31}supplementary charge] in respect of arrears for the scheme year 2015/2016 and subsequent years is £75.

(9) In any particular case the Secretary of State may direct that, for the purposes of this regulation, “employing authority” includes one or more of—

- (a) the transferee under a transfer of staff order pursuant to—
 - (i) in the case of England, section 28(4)(b) of, or paragraph 29(3) of Schedule 4 to, the 2006 Act ^{M4};

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- (ii) in the case of Wales, section 22(4)(b) of, or paragraph 8 of Schedule 3 to, the 2006 (Wales) Act ^{M5};
- (b) a successor, transmittee or assignee of all or part of an employing authority's business or functions.
- (10) In paragraph (7), “consumer prices index” means the all item consumer prices index published by the UK Statistics Authority.

Textual Amendments

- F22** Words in [reg. 36\(1\)\(a\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(2)(a)**
- F23** Word in [reg. 36\(1\)\(a\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(2)(b)**
- F24** Words in [reg. 36\(2\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(3)**
- F25** [Reg. 36\(3\)](#) substituted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(4)**
- F26** Words in [reg. 36\(4\)\(b\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(5)(a)**
- F27** Words in [reg. 36\(4\)\(d\)](#) substituted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(5)(b)**
- F28** Words in [reg. 36\(4\)\(e\)](#) substituted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(5)(c)**
- F29** Words in [reg. 36\(5\)](#) substituted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(6)**
- F30** Words in [reg. 36\(6\)](#) substituted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(7)**
- F31** Words in [reg. 36\(8\)](#) substituted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **30(8)**

Marginal Citations

- M4** [2006 c.41](#). Paragraph 29(3) of Schedule 4 was amended by section 55(1) of, and paragraphs 22(1) and (9) of Schedule 4 to, the [Health and Social Care Act 2012 \(c.7\)](#).
- M5** [2006 c.42](#). Paragraph 8 of Schedule 3 was amended by section 297 of, and paragraphs 12 and 40(1) and (5) of Schedule 21 to, the [Health and Social Care Act 2012](#).

[^{F32}Scheme Administration Charge

36A.—(1) Each employing authority must, in respect of each member who is liable to contribute to this scheme, pay a scheme administration charge in accordance with this regulation.

(2) The scheme administration charge is to be paid to the scheme manager on the same day, and in respect of the same period, as the employer’s standard rate contributions under regulation 33 are to be paid by that employing authority in respect of the member referred to in paragraph (1).

(3) The scheme administration charge is to be calculated as a percentage of that member’s pensionable earnings, for period mentioned in paragraph (2).

(4) The percentage mentioned in paragraph (3) is to be determined by the scheme manager taking into account the administrative costs of running the scheme and notified to each employing authority.]

Textual Amendments

F32 Reg. 36A inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **31**

Members' contributions: records and estimates

37.—(1) An employing authority must, in respect of a person, keep a record of—

- (a) contributions paid under regulation 30, 48, 62 or 64;
- (b) contributions due under regulation 30, 48, 62 or 64, but unpaid;
- (c) contributions paid under regulation 33 [^{F33}, 34 or 35];
- (d) contributions due under regulation 33 [^{F33}, 34 or 35], but unpaid;
- (e) hours or sessions of service if the employment is not whole-time employment;
- (f) pensionable earnings;
- (g) absences from work referred to in regulation 21;
- (h) starting and termination of pensionable employment;
- (i) reasons for termination of pensionable employment.

(2) The record must be in a manner approved by the scheme manager.

(3) Unless the scheme manager waives the requirement, an employing authority must provide a composite statement in respect of the matters referred to in paragraph (1) in respect of all scheme members to the scheme manager before the end of the period of 2 months starting with the end of each scheme year.

(4) Where—

- (a) an employing authority has provided information in accordance with paragraph (3); and
- (b) there is a change to the information,

the authority must, before the end of the period of one month after the change, provide the scheme manager with the revised information.

(5) An employing authority must provide to the scheme manager in respect of each scheme year details of the total contributions paid for all scheme members under regulations 30, 33, 62 and 64 and the details must be provided—

- (a) before the end of the period of 2 months after a request for the information is made;
- (b) in a manner required by the scheme manager.

(6) Where—

- (a) an employing authority has provided the information requested in paragraph (5); and
- (b) there is a revision to the total contributions made,

the authority must, before the end of the period of one month after the revision, provide the scheme manager with the revised total.

(7) [^{F34}If the scheme manager so requests,] an employing authority must, in respect of each scheme year, provide to the scheme manager a statement of estimated total contributions under regulations 30, 33, 48, 62 and 64—

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Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

- (a) not later than one month before the start of the scheme year;
- (b) in a manner required by the scheme manager.

Textual Amendments

- F33** Words in reg. 37(1)(c)(d) inserted (1.4.2016) by [The National Health Service Pension Scheme, Injury Benefits and Additional Voluntary Contributions \(Amendment\) Regulations 2016 \(S.I. 2016/245\)](#), regs. 1(2), **61** (with reg. 105)
- F34** Words in reg. 37(7) inserted (1.4.2019) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), regs. 1(2), **81**

Members' contributions: supplementary: medical practitioners and non-GP providers

38.—(1) This regulation applies to a member (M) who belongs to group D in regulation 27(1) by virtue of being—

- (a) a medical practitioner; or
- (b) a non-GP provider.

(2) Paragraph (3) applies if, in respect of a scheme year, M—

- (a) has certified M's pensionable earnings in accordance [^{F35}with] Part 1 of Schedule 12 and forwarded a record of the earnings to the host Board; or
- (b) was not required to certify M's earnings in accordance with Part 1 of Schedule 12 but the host Board has the figure that represents M's pensionable earnings for that year.

(3) M's contributions payable for the scheme year in question are those specified in column 2 of [^{F36}the relevant table] in respect of the amount of pensionable earnings referred to in column 1 of [^{F37}that table] which corresponds to the aggregate of—

- (a) certified or final pensionable earnings from all group D sources uprated according to the formula:

$$\frac{PE}{NDPS} \times 365$$

where—

PE is the certified or final amount of M's pensionable earnings from all group D sources for the year;

[^{F38}NDPS is the number of days of M's group D service in the scheme year]; and

- (b) any additional pensionable earnings M is treated as having received during an absence from work in accordance with regulation 28.

(4) If paragraph (3) does not apply to M in respect of a scheme year, M must pay contributions at the rate in column 2 of the [^{F39}relevant table] on the basis of whichever of the following the host Board considers the most appropriate in the circumstances—

- (a) an amount of M's earnings that has been agreed between M and the host Board;
- (b) an amount of M's earnings that corresponds to M's most recent certified or final pensionable earnings referred to in paragraph (2); or
- (c) an amount of M's earnings that corresponds to the host Board's estimate of M's pensionable earnings from all group D sources for that year.

(5) If paragraph (4) applies to M in respect of a scheme year and paragraph (2)(a) or (b) is subsequently satisfied in respect of that year, M must pay contributions at the rate determined in accordance with paragraph (3).

(6) A host Board may adjust M's contribution rates for a scheme year determined in accordance with paragraph (4)—

- (a) by agreement between M and the host Board; or
- (b) without such agreement, if the host Board is satisfied that M's pensionable earnings will exceed the amount used to so determine the contribution rate.

(7) If M concurrently belongs both to group D and to any of groups A to C in regulation 27(1)—

- (a) contributions payable in respect of M's service for the purposes of group D must be determined under this regulation; and
- (b) contributions payable in respect of M's service for the purposes of any of groups A to C must be determined under regulation 30.

(8) In the application of this regulation to a non-GP provider who derives income from more than one group D source, a reference to all group D sources must be construed as a reference to such one of those sources as the non-GP provider specifies for the purposes of this regulation.

Textual Amendments

- F35** Word in [reg. 38\(2\)\(a\)](#) inserted (1.4.2023) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2023 \(S.I. 2023/301\)](#), regs. 1(2), **12**
- F36** Words in [reg. 38\(3\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **5(2)(a)**
- F37** Words in [reg. 38\(3\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **5(2)(b)**
- F38** Words in [reg. 38\(3\)\(a\)](#) substituted (with effect from 1.4.2015, in accordance with [reg. 1\(5\)](#) of the amending S.I.) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), reg. 1(2)(5), **82**
- F39** Words in [reg. 38\(4\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), regs. 1(3), **5(3)**

Modifications etc. (not altering text)

- C2** [Reg. 38](#) modified (temp.) (1.4.2023) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2023 \(S.I. 2023/301\)](#), regs. 1(2), **26** (with [reg. 24](#))
- C3** [Reg. 38\(4\)\(b\)](#) modified (1.4.2015) by [The National Health Service Pension Scheme \(Transitional and Consequential Provisions\) Regulations 2015 \(S.I. 2015/95\)](#), regs. 1(b), **12(2)**

Members' contributions: supplementary: dental practitioners

39.—(1) This regulation applies to a member (M) who belongs to group D in regulation 27(1) by virtue of being a dental practitioner.

(2) Paragraph (3) applies if, in respect of a scheme year, M—

- (a) has reconciled or certified M's pensionable earnings in accordance with Part 1 of Schedule 12 and forwarded a record of those earnings to the host Board; or
- (b) was not required to reconcile or certify M's earnings in accordance with Part 1 of Schedule 12, but the host Board has the figure that represents M's pensionable earnings for the scheme year.

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

(3) M's contributions payable for the scheme year in question are those specified in column 2 of [^{F40}the relevant table] in respect of the amount of pensionable earnings referred to in column 1 of [^{F41}that table] which corresponds to the aggregate of—

- (a) reconciled, certified or final pensionable earnings from all group D sources uprated according to the formula:

$$\frac{PE}{NDPS} \times 365$$

where—

PE is the reconciled, certified or final amount of the dental practitioner's pensionable earnings from all group D sources for the year;

[^{F42}NDPS is the number of days of dental practitioner service in the scheme year]; and

- (b) any additional pensionable earnings M is treated as having received during an absence from work in accordance with regulation 28.

(4) If paragraph (3) does not apply to M in respect of a scheme year, M must pay contributions at the rate in column 2 of the [^{F43}relevant table] on the basis of whichever the host Board considers the most appropriate in the circumstances—

- (a) the amount of M's earnings that has been agreed between the host Board and M;
- (b) the amount of M's earnings that correspond to M's most recent certified or final pensionable earnings referred to in paragraph (2); or
- (c) the amount of M's earnings that corresponds to the host Board's estimate of M's pensionable earnings from all group D sources for the year uprated in accordance with the formula in paragraph (3)(a).

(5) If paragraph (4) applies to M in respect of a scheme year, and paragraph (2)(a) or (b) is subsequently satisfied in respect of that year, M must pay contributions at the rate determined in accordance with paragraph (3).

(6) A host Board may adjust M's contribution rates for a scheme year determined in accordance with paragraph (4)—

- (a) by agreement between M and the host Board; or
- (b) without such agreement, if the host Board is satisfied that M's pensionable earnings will exceed the amount used to so determine the contribution rate.

Textual Amendments

- F40** Words in [reg. 39\(3\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), [regs. 1\(3\)](#), [5\(2\)\(a\)](#)
- F41** Words in [reg. 39\(3\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), [regs. 1\(3\)](#), [5\(2\)\(b\)](#)
- F42** Words in [reg. 39\(3\)\(a\)](#) substituted (with effect from 1.4.2015, in accordance with [reg. 1\(5\)](#) of the amending S.I.) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), [reg. 1\(2\)\(5\)](#), [83](#)
- F43** Words in [reg. 39\(4\)](#) substituted (1.10.2022) by [The National Health Service Pension Schemes \(Member Contributions etc.\) \(Amendment\) Regulations 2022 \(S.I. 2022/273\)](#), [regs. 1\(3\)](#), [5\(3\)](#)

Modifications etc. (not altering text)

- C4** Reg. 39 modified (temp.) (1.4.2023) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2023 \(S.I. 2023/301\)](#), regs. 1(2), **27** (with reg. 24)
- C5** Reg. 39(4)(b) modified (1.4.2015) by [The National Health Service Pension Scheme \(Transitional and Consequential Provisions\) Regulations 2015 \(S.I. 2015/95\)](#), regs. 1(b), **12(2)**

CHAPTER 2

Refund: short service

Eligibility for refund

- 40.**—(1) Contributions made by a member (M) must be repaid to M if—
- (a) the 1993 Act condition applies; or
 - (b) the short service condition applies.
- (2) The “1993 Act condition” is that—
- (a) [^{F44}Chapter 2 of Part 4ZA] of the 1993 Act ^{M6} applies to M; and
 - (b) the repayment is made in accordance with that Chapter.
- (3) The short service condition applies if—
- (a) M does not qualify for benefits under regulation 72;
 - (b) M is not a pensioner member;
 - (c) M ceases to be an active member;
 - (d) the 1993 Act condition does not apply to M; and
 - (e) M makes a claim in writing to the scheme manager for the repayment.

Textual Amendments

- F44** Words in [reg. 40\(2\)\(a\)](#) substituted (1.4.2016) by [The National Health Service Pension Scheme, Injury Benefits and Additional Voluntary Contributions \(Amendment\) Regulations 2016 \(S.I. 2016/245\)](#), regs. 1(2), **62** (with [reg. 105](#))

Marginal Citations

- M6** Chapter 5 of Part 4 deals with early leavers: cash transfer sums and contribution refunds.

Amount of refund

- 41.**—(1) The amount of a repayment to a member (M) pursuant to regulation 40 is—
- (a) if the 1993 Act condition applies, the amount to which M is entitled to be paid pursuant to [^{F45}Chapter 2 of Part 4ZA] of that Act, less the appropriate deductions;
 - (b) if the short service condition applies, an amount equal to the sum of the contributions paid by M, less the appropriate deductions.
- (2) The appropriate deductions are—
- (a) so much of the contributions equivalent premium paid in respect of M [^{F46}under section 55] of the 1993 Act ^{M7}[^{F47}or article 3 of the 2016 Order]; and
 - (b) an amount equal to the income tax payable under section 205 of the 2004 Act ^{M8} (short service lump sum charge) as a result of the repayment.

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

- (3) M is entitled to interest on the amount of the repayment unless M's pensionable service ceases because M's employment is terminated—
- (a) pursuant to M's contract of employment;
 - (b) at M's request; or
 - (c) by reason of misconduct or inefficiency.
- (4) The rate of interest is 2.5% per year calculated on a compound basis with yearly rests.
- (5) Interest is payable in respect of the period starting on 1st April following the day when M started to pay contributions and ending on the day M leaves pensionable service.
- (6) Paragraphs (4) and (5) do not apply if—
- (a) regulation 40(1)(a) applies; and
 - (b) M is entitled to a greater amount of interest under [^{F48}Chapter 2 of Part 4ZA] of the 1993 Act.
- (7) So far as contributions paid by M were paid under another scheme and were included in a transfer payment to this scheme—
- (a) interest for the period before the transfer period was made is calculated in accordance with the other scheme (subject to any enactment applicable to the transfer); and
 - (b) paragraphs (4) and (5) do not apply as respects that period.

Textual Amendments

- F45** Words in reg. 41(1)(a) substituted (1.4.2016) by [The National Health Service Pension Scheme, Injury Benefits and Additional Voluntary Contributions \(Amendment\) Regulations 2016 \(S.I. 2016/245\)](#), regs. 1(2), **63(2)** (with reg. 105)
- F46** Words in reg. 41(2)(a) substituted (6.4.2019) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), regs. 1(3), **84(a)**
- F47** Words in reg. 41(2)(a) inserted (6.4.2019) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), regs. 1(3), **84(b)**
- F48** Words in reg. 41(6)(b) substituted (1.4.2016) by [The National Health Service Pension Scheme, Injury Benefits and Additional Voluntary Contributions \(Amendment\) Regulations 2016 \(S.I. 2016/245\)](#), regs. 1(2), **63(3)** (with reg. 105)

Marginal Citations

- M7** Section 61 has been amended by section 151 of, and paragraph 55 of Schedule 5 to, the [Pensions Act 1995 \(c.20\)](#), **section 56** of, and paragraph 5(2) of Schedule 5 to, the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#) and section 319(1) of, and paragraphs 9 and 12 of Schedule 12 to, the [Pensions Act 2004 \(c.35\)](#).
- M8** Section 205 has been amended by section 219(1) of, and paragraphs 119 and 121 of Schedule 46 to, the [Finance Act 2013 \(c.29\)](#) and by article 3 of [S.I. 2010/536](#).

Effect of refund

- 42.—**(1) If a repayment of contributions is made pursuant to regulation 40, the rights of the member (M) under this scheme are extinguished unless—
- (a) M or M's spouse or civil partner is entitled to a guaranteed minimum pension under the scheme; and
 - (b) no contributions equivalent premium has been paid.

- (2) Paragraph (1) does not apply if—
- (a) M again becomes a member of this scheme; and
 - (b) before the end of the period of 6 months starting on the date M again becomes a member, M repays to the scheme manager the contributions together with any interest paid in respect of them.

CHAPTER 3

Buy-out: actuarial reduction

Eligibility to make buy-out election

43.—(1) A member (M) who has a prospective normal pension age over 65 may elect to pay contributions to buy out the actuarial reduction (“buy-out election”) in accordance with this Chapter.

- (2) A buy-out election ceases to have effect when the earliest of the following occurs—
- (a) M reaches normal pension age;
 - (b) a retirement pension other than a partial retirement pension becomes payable to M;
 - (c) M revokes the election or is taken to revoke the election.
- (3) A buy-out election may only be made before the end of the period of 3 months after—
- (a) M enters pensionable service under this scheme [^{F49}in accordance with paragraph (3A)]; or
 - (b) the beginning of a subsequent scheme year.

[^{F50}(3A) For the purposes of paragraph (3)(a), M is treated as entering pensionable service on each occasion that an active member’s account is established in respect of that service in accordance with regulation 24(1)(a).]

- (4) When making a buy-out election, M must—
- (a) be in pensionable service; and
 - (b) not have reached normal pension age.

[^{F51}(5) M may make an election under this regulation on one occasion only during each period of pensionable service in respect of which an active member’s account is established in accordance with regulation 24(1)(a).]

Textual Amendments

- F49** Words in [reg. 43\(3\)\(a\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **32(2)**
- F50** [Reg. 43\(3A\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **32(3)**
- F51** [Reg. 43\(5\)](#) substituted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **32(4)**

Making and varying a buy-out election

44.—(1) A buy-out election made by a member (M) must state the number of years in respect of which the actuarial reduction is to be bought out.

- (2) The number of years—
- (a) must not exceed 3 or (if less) the number of years from the date of M's 65th birthday until M's prospective normal pension age; and

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Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

- (b) must be a whole number of years unless—
 - (i) M's prospective normal pension age is expressed otherwise than as a whole number of years; or
 - (ii) the scheme manager (having considered the advice of the scheme actuary) considers in M's circumstances it is unreasonable to restrict the period to whole years.
- (3) A buy-out election must be made by written notice to the scheme manager.
- (4) The notice of election must—
 - (a) if M is a member of this scheme by virtue of more than one employment, specify the names of each of the employing authorities; and
 - (b) be in such form and provide such other information as the scheme manager requires.
- (5) The scheme manager may ask M to provide further information.
- (6) M may by written notice to the scheme manager vary a buy-out election to increase the period for which the actuarial reduction is bought out at any time before a retirement pension becomes payable to M.
- (7) Paragraph (6) is subject to paragraph (2) and regulations 43(3) and (4).
- (8) Regulation 46 applies to a notice under paragraph (6) as it applies to an election under regulation 43(1) and, for the purposes of this paragraph, the amount found under regulation 46(2) includes the value of any increase mentioned in paragraph (6).

Accepting a buy-out election

- 45.**—(1) The scheme manager may accept a buy-out election by giving written notice to the person who made the election (M).
- (2) The notice must state—
 - (a) the rate of the monthly payments determined under regulation 47; and
 - (b) the date on which M reaches prospective normal pension age.
 - (3) A buy-out election takes effect when M receives notice that the scheme manager has accepted the election.
 - (4) The buy-out period is the number of scheme years starting with (and including) the scheme year in which the buy-out election takes effect and ending with (and including) the scheme year in which the earliest of the following occurs—
 - (a) M revokes or is taken to have revoked the election;
 - (b) M ceases to be a member of the scheme;
 - (c) M reaches normal pension age.
 - (5) The buy-out period does not include a scheme year in which payment of buy-out contributions is suspended by virtue of regulation 49.

Overall limit on extra pension

- 46.**—(1) The scheme manager must not accept an election under regulation 43(1) from a member if—
- (a) the member has made an election under regulation 55; and
 - (b) paragraph (2) applies.
- (2) This paragraph applies if the value of the actuarial reduction bought out exceeds the greater of the first and second amounts in paragraph (3).

(3) In this paragraph—

- (a) the first amount is $B - A$;
- (b) the second amount is $L - A$,
where—

B is the maximum potential value (determined having regard to the advice of the scheme actuary and the limits in regulation 44(2)) at the date of the election under regulation 43 (in terms of annual pension) of the reduction for the period for which the buy-out has effect;

L is the overall limit for the purposes of regulation 61; and

A is the value (in terms of annual pension) of any additional pension purchased or being purchased by the member under this scheme.

(4) A reference to the value of an additional pension is, in the case of a member who has made more than one election under regulation 55, a reference to the aggregate value of all the additional pensions in respect of which the member has made an election.

Determination of contributions payable

47.—(1) The scheme manager must, after consultation with the scheme actuary, determine the rate of the monthly payments to be paid in respect of a buy-out election.

(2) The scheme manager—

- (a) may determine the rate of the monthly payments by reference to the length of the period between the date of the buy-out election and the date when the member will reach prospective normal pension age; and
- (b) may exercise the functions under this paragraph so as to re-determine the rate of the monthly payments during that period.

(3) Unless the scheme manager re-determines the rate, monthly payments following a gap in service not exceeding 5 years are the same as before the gap.

Payment of buy-out contributions

48.—(1) A member (M) must—

- (a) make the first monthly payment within 2 months after the end of the month in which a buy-out election is accepted; and
- (b) continue to make the monthly payments until the end of the period mentioned in regulation 47(2)(a).

(2) If the scheme manager re-determines the amount of the monthly payment during the period mentioned in regulation 47(2)(a), M must pay the re-determined amount from—

- (a) the start of the next scheme year; or
- (b) such later date as the scheme manager specifies.

(3) If the member's employing authority agrees to pay any or part of the contributions, the amount payable by the employing authority must be paid at the time the member would otherwise have been required to pay them.

(4) For the purpose of determining the amount of contributions payable during any period in which M's pensionable earnings are reduced as mentioned in regulation 28, the reduction in pensionable earnings must be disregarded.

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(5) In this regulation, “the first monthly payment” includes any monthly payment due in arrears for the period between the start of the scheme year in which the buy-out election is accepted and the date of that first payment.

Suspension of buy-out: hardship

49.—(1) The scheme manager may, at the request of the member (M), agree to the suspension of the payment of contributions due under regulation 48 if the scheme manager is satisfied that M's circumstances are such that M will suffer hardship if the payments are not suspended.

(2) A period of suspension is permitted only if—

- (a) there has been no previous suspension; or
- (b) if there has been an earlier suspension, contributions have been paid for not less than a full scheme year since the earlier suspension ended.

(3) If the scheme manager agrees to the suspension, paragraph (4) applies unless—

- (a) not later than one year after the request under paragraph (1) is made M applies to resume making contributions; and
- (b) M resumes making the contributions at the start of the following scheme year.

(4) If this paragraph applies—

- (a) M is taken to have revoked the buy-out election; and
- (b) M is not entitled to make any other buy-out election under the scheme.

(5) Paragraph (6) applies if—

- (a) the scheme manager agrees to the suspension of payment of contributions by M; and
- (b) M's employing authority has agreed to pay contributions as mentioned in regulation 48(3).

(6) Payment of contributions by M's employing authority is suspended for the same period as the payment of contributions by M is suspended.

Revoking a buy-out election

50.—(1) A member (M) may revoke a buy-out election at any time before the end of the period mentioned in regulation 47(2)(a).

(2) The scheme manager may revoke M's buy-out election if M does not pay contributions for a period of 12 months.

(3) If a buy-out election is or is taken to have been revoked, M's monthly payments cease to be payable on the date of revocation.

(4) If, at the revocation date, the buy-out period during which the contributions were paid was less than 12 months—

- (a) the contributions must be re-paid to M; and
- (b) the buy-out election ceases to have effect.

(5) If, at the revocation date, the buy-out period during which the contributions were paid is 12 months or more—

- (a) contributions paid during the scheme year in which the election is revoked must be repaid to M; and
- (b) the buy-out period ends at the end of the previous scheme year.

(6) The revocation date is the date the buy-out election is, or is taken to have been, revoked.

CHAPTER 4

Allocation

Election to allocate pension

51.—(1) A member (M) may elect to allocate a part of the annual amount of M's pension for the provision of a pension after M's death for not more than one individual who is—

- (a) M's spouse or civil partner; or
- (b) a dependant of M (within the meaning of paragraph 15(2) or (3) of Schedule 28 to the 2004 Act ^{M9}).

(2) An election under this regulation may be made only—

- (a) at the time M claims the pension under paragraph 4 of Schedule 3; and
- (b) if M is not already entitled to payment of such a pension.

(3) Paragraph (2)(b) does not apply in the case of a pension payable under regulation 84.

(4) A pension provided as a result of the election must be calculated in accordance with tables prepared by the scheme actuary.

Marginal Citations

M9 [Paragraph 15\(3\)](#) of Schedule 28 has been amended by regulations 175 and 180(c) of [S.I. 2005/3229](#).

Amount of allocation

52.—(1) An election under regulation 51 may not allocate more than one-third of the member's (M) relevant annual pension.

(2) An election may not allocate an amount that would result in—

- (a) the allocated annual pension exceeding M's unallocated relevant annual pension;
- (b) the allocated annual pension exceeding such amount as the scheme manager determines for the purposes of this paragraph—
 - (i) after consultation with the scheme actuary; and
 - (ii) having regard to any restrictions imposed under Part 4 of the 2004 Act ^{M10}; or
- (c) the value of the allocated annual pension being such that a lump sum could be paid under paragraph 6 of Schedule 3 by way of commutation of a pension of that amount if the person entitled to the pension is not entitled to any other benefits under the scheme.

(3) The annual pension allocated must be an exact number of pounds.

(4) A pension provided pursuant to the election must be calculated in accordance with tables prepared by the scheme actuary.

Marginal Citations

M10 [Part 4](#) deals with tax provision for pension schemes.

Procedure for election under regulation 51

53.—(1) An election under regulation 51 in respect of a member's (M) pension must be made by notice in writing given to the scheme manager.

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Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

- (2) The notice must be in such form and contain such information as the scheme manager requires.
- (3) Subject to paragraphs (6) and (7), the election takes effect when it is accepted by the scheme manager.
- (4) The election may not be withdrawn, amended or revoked after it has taken effect.
- (5) The election does not take effect if—
 - (a) M or the person in whose favour the election is made (the beneficiary) dies on or before the day on which the scheme manager accepts it; or
 - (b) the scheme manager is not satisfied that, at the time the election is made, M is in good health.
- (6) The election is treated as not having taken effect if the beneficiary dies before M is notified in writing that the scheme manager has accepted the election.

Effect of allocation

- 54.**—(1) If an election by a member (M) under regulation 51 has taken effect—
- (a) M's pension is reduced accordingly (even if the beneficiary predeceases M); and
 - (b) if the beneficiary survives M, on M's death the beneficiary becomes entitled to the payment of a pension for life of such amount as is determined in accordance with regulation 52.
- (2) An allocation is disregarded if it would result in a pension being paid to a beneficiary who is neither—
- (a) M's spouse or civil partner on the date when M becomes entitled to the pension or dies; nor
 - (b) at the time of M's death, a dependant of M (within the meaning of paragraph 15(2) or (3) of Schedule 28 to the 2004 Act^{M11}).
- (3) References in these Regulations to pensions under Part 5 do not include pensions under this regulation, except where context otherwise requires.
- (4) A pension under this regulation is payable to the beneficiary in addition to a pension payable in respect of M's death under Part 6.

Marginal Citations

M11 Paragraph 15(3) of Schedule 28 has been amended by regulations 175 and 180(c) of [S.I. 2005/3229](#).

CHAPTER 5

Additional pension

Election to pay contributions for additional pension

- 55.**—(1) This paragraph applies in relation to a member of the scheme (M) who—
- (a) is in pensionable service under the scheme; and
 - (b) has not reached normal pension age.
- (2) M or, with M's consent, M's employing authority may elect to pay contributions for an additional pension in respect of M (“additional pension election”).
- (3) An additional pension election may be made in respect of—
- (a) an additional (self only) pension; or
 - (b) an additional (self only) pension and an additional (survivor's) pension.

(4) M may make an election under this regulation more than once.

(5) In this Chapter, the refund period is the period ending one year after the date on which an election under this regulation is accepted.

Annual rate of additional (self only) pension

56. The annual rate of additional (self only) pension specified in an additional pension election must be a whole number multiple of—

- (a) £250; or
- (b) such other amount as is determined by the scheme manager.

Lump sum or periodic payments

57.—(1) An employing authority's additional pension contributions must be made by lump sum.

(2) A member's additional pension contributions may be paid either by lump sum or by periodic payments.

Making an additional pension election

58.—(1) An additional pension election by a member (M) must be made by written notice to the scheme manager stating whether additional pension contributions are to be paid—

- (a) as a lump sum; or
- (b) by periodic payments.

(2) An additional pension election by M's employing authority must be made by written notice to the scheme manager.

(3) A notice under this regulation must be accompanied by a declaration by M that M is in good health.

(4) An additional pension election must not be made at any time when M is absent from work for any reason.

[^{F52}(5) For the purposes of this Chapter—

- (a) a member is treated as having made an additional pension election on the date on which the employing authority receives the member's notice under paragraph (1); and
- (b) an employing authority is treated as having made an additional pension election on the date on which the scheme manager receives the authority's notice under paragraph (2).]

Textual Amendments

F52 [Reg. 58\(5\)](#) inserted (with effect in accordance with reg. 1(2)(a) of the amending S.I.) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), 33

Accepting an additional pension election

59.—(1) The scheme manager may accept an additional pension election by giving written notice to—

- (a) the member (M); and
- (b) M's employing authority.

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(2) The scheme manager may refuse to accept an election if there are reasonable grounds to believe—

- (a) that M is not in good health at the time the election is made; or
- (b) in the case of an election where the contributions are to be made by periodic payments, that M's health is likely to prevent the payment of contributions for the whole of the contributions payment period.

(3) For the purposes of these Regulations, an additional pension election is accepted when M receives notice from the scheme manager.

Determination of contribution payable

60.—(1) The scheme manager must determine the amount to be paid as a lump sum or as a periodic payment.

(2) The amount of the lump sum or periodic payment must be—

- (a) not less than the minimum amount; or
- (b) an amount which is a multiple of the minimum amount.

(3) In paragraph (2), the minimum amount is the amount that would, in accordance with tables prepared by the scheme actuary for the scheme year in which the contributions are paid, be the amount of contribution required to secure the additional pension specified under regulation 56.

(4) The tables mentioned in paragraph (3)—

- (a) may specify different amounts for different descriptions of members; and
- (b) may be amended during a scheme year.

(5) An amendment under paragraph (4)(b) has effect—

- (a) at the start of the next scheme year; or
- (b) such later date as the scheme manager specifies.

Overall limit on extra pension

61.—(1) The scheme manager must not accept an election under regulation 55 from a member (M) in so far as the effect of accepting the election would be to provide M with one or more additional pensions which exceeds or in aggregate exceed the overall limit.

(2) The overall limit is—

- (a) £6,500 for a scheme year ending before 1st April 2016;
- (b) for a scheme year beginning on or after that date—
 - (i) the overall limit of extra pension determined by the Treasury in respect of that Scheme year as published before the start of that scheme year; or
 - (ii) if no such determination is made, the amount calculated under paragraph (3).

(3) The amount is the amount to which the annual rate of a pension of an amount equal to the overall limit of extra pension for the previous scheme year would have been increased under the Pensions (Increase) Act 1971 if—

- (a) that pension were eligible to be so increased; and
- (b) the beginning date for that pension were the first day of the previous scheme year.

(4) In determining the value of an extra pension for the purposes of paragraph (1) the scheme manager must include the value by reference to an annual pension of any actuarial reduction buy-out election having effect in relation to M.

(5) A valuation for the purposes of paragraph (4) must have regard to the advice of the scheme actuary.

Lump sum contributions: payment of contributions and credit of additional pension

62.—(1) This paragraph applies to a member (M)—

- (a) in respect of whom an additional pension election is accepted; and
- (b) whose notice of election states that contributions are to be paid by lump sum.

(2) M's additional pension account is to be credited with an amount equal to the annual rate of additional (self only) pension stated in the notice of election (“the amount of additional pension”) if the lump sum contribution is paid within one month after the additional pension election is accepted.

(3) If the lump sum contribution is not paid within that time an election under regulation 55 is taken not to have been made.

Repayment of lump sum contribution

63.—(1) This regulation applies if a member (M) has paid a lump sum contribution for additional pension.

[^{F53}(2) If M dies before the end of the refund period—

- (a) the amount of the lump sum paid by M must be repaid to M's [^{F54}personal] representatives;
- (b) the amount of the lump sum paid by M's employing authority pursuant to regulation 57 must be repaid to the authority; and
- (c) the [^{F55}additional] pension account must be closed.

(3) If an ill-health pension becomes payable to M [^{F56}in consequence of a claim made] before the end of the refund period—

- (a) the amount of the lump sum paid by M must be repaid to M;
- (b) the amount of the lump sum paid by M's employing authority pursuant to regulation 57 must be repaid to the authority; and
- (c) the [^{F57}additional] pension account must be closed.]

Textual Amendments

F53 Reg. 63(2)(3) substituted for reg. 63(2) (1.4.2015) by [The National Health Service Pension Scheme, Injury Benefits and Additional Voluntary Contributions \(Amendment\) Regulations 2016](#) (S.I. 2016/245), regs. 1(8), **64** (with reg. 105)

F54 Word in reg. 63(2)(a) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017](#) (S.I. 2017/275), regs. 2(c), **34(2)**

F55 Word in reg. 63(2)(c) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017](#) (S.I. 2017/275), regs. 2(c), **34(3)**

F56 Words in reg. 63(3) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017](#) (S.I. 2017/275), regs. 2(c), **34(4)**

F57 Word in reg. 63(3)(c) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017](#) (S.I. 2017/275), regs. 2(c), **34(3)**

Periodic contributions

64.—(1) This regulation and regulations 65, 66 and 68 to 71 apply in relation to a member (M)—

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- (a) in respect of whom an additional pension election is accepted; and
 - (b) whose notice of election states that contributions are to be paid by periodic payments during the contributions payment period.
- (2) M's employing authority must—
- (a) deduct the contributions from M's pensionable earnings; and
 - (b) pay them to the scheme manager not later than the 19th day of the month following that in which the earnings were paid to M.
- (3) The contributions payment period must—
- (a) be a whole number of years;
 - (b) begin with the pay period in respect of which the first contribution is paid;
 - (c) be not less than one year nor more than 20 years; and
 - (d) end before M reaches normal pension age.
- (4) If the scheme manager re-determines the amount of the periodic payment during the contributions payment period, the re-determined amount must be paid from—
- (a) the beginning of the next scheme year; or
 - (b) such later date as the scheme manager determines.

Retirement pension (other than ill-health pension) becomes payable before the end of the contributions payment period

65.—(1) This regulation applies if any of the following retirement pensions become payable to M before the end of the contributions payment period—

- (a) a partial retirement pension (if M has elected to receive additional pension with it);
 - (b) a premature retirement pension;
 - (c) an early retirement pension.
- (2) If this regulation applies—
- (a) periodic payments for additional pension cease to be payable on the entitlement day for that pension; and
 - (b) the amount of accrued additional pension as at the day M leaves the pensionable service concerned is an amount determined by the scheme manager, having regard to—
 - (i) the period over which the contributions were paid; and
 - (ii) the length of the contribution payment period.

Revoking an additional pension election (periodic payments)

66.—(1) A member (M) may revoke an additional pension election at any time before the end of the contributions payment period.

- (2) A revocation must be by notice in writing to—
- (a) the scheme manager; and
 - (b) M's employing authority.
- (3) A revocation has effect from the start of M's next pay period (“date of revocation”).
- (4) On the date of revocation under paragraph (1)—
- (a) periodic payments for additional pension under the election cease to be payable; and

- (b) the amount of accrued additional pension as at that date is an amount determined by the scheme manager.
- (5) The scheme manager may revoke the election if there are reasonable grounds for believing—
 - (a) that M's health will prevent M from paying contributions for the whole of the contributions payment period;
 - (b) that M was aware of the state of M's health at the time of making the declaration under regulation 58(3); and
 - (c) that M failed to disclose the state of M's health in the declaration.
- (6) A revocation under paragraph (5) must be given to M by notice in writing.
- (7) If the scheme manager revokes an election under paragraph (5)—
 - (a) periodic payments for additional pension under the election cease to be payable; and
 - (b) payments made by M before the date of revocation must be returned to M or, if M is deceased, M's [^{F58}personal] representatives.

Textual Amendments

F58 Word in [reg. 66\(7\)\(b\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), [regs. 2\(c\)](#), [35](#)

Revocation of election by scheme manager (lump sum)

67.—(1) The scheme manager may revoke an additional pension election made by a member (M) where the contribution was paid by lump sum if the scheme manager has reasonable grounds for believing that—

- (a) at the time the declaration under regulation 58(3) was made M was aware that the state of M's health was such that not less than 12 months after the election [^{F59}was made] it was reasonable to assume that M would become entitled to an ill health pension or M's survivors would become entitled to a pension under Part 6; and
- (b) M failed to disclose the state of M's health at the time of making the declaration.

(2) If the scheme manager revokes an election under paragraph (1), the scheme manager must repay the lump sum—

- (a) if the lump sum was paid by M, to M, or if M is deceased, to M's [^{F60}personal] representatives;
- (b) if the lump sum was paid by M's employing authority, to the employing authority.

Textual Amendments

F59 Words in [reg. 67\(1\)\(a\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(a\)](#) of the amending S.I.) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), [regs. 2\(c\)](#), [36\(2\)](#)

F60 Word in [reg. 67\(2\)\(a\)](#) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), [regs. 2\(c\)](#), [36\(3\)](#)

Effect of being absent or leaving and rejoining scheme during contributions payment period

68.—(1) This paragraph applies if, during the contributions payment period, a member (M) who has made an election under regulation 55—

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- (a) is absent from work because of illness or injury;
 - (b) is on maternity leave;
 - (c) is on adoption leave;
 - (d) is on paternity leave;
 - (e) is on parental leave [^{F61}shared parental leave or parental bereavement leave]; or
 - (f) is within regulation 21(4) or (6).
- (2) If paragraph (1) applies—
- (a) the contributions payable under regulation 64 continue to be payable unless M ceases paying basic contributions;
 - (b) M may resume paying contributions under regulation 64 only if—
 - (i) M ceases to pay basic contributions; but
 - (ii) resumes paying basic contributions before the end of the period of 12 months beginning with the day on which M first ceased to pay basic contributions.
- (3) This paragraph applies if—
- (a) a member (M) has made an election under regulation 55;
 - (b) M ceases to be an active member during the contributions payment period; and
 - (c) before the end of the period of 12 months beginning with the day on which M ceased to be an active member, M becomes an active member again.
- (4) If paragraph (3) applies, M may continue to make contributions in accordance with the election unless a repayment of contributions has been made to M under regulation 40.
- (5) For the purposes of paragraph (4), it is immaterial whether M has paid any repaid contributions back to the scheme manager.
- (6) In this regulation, “basic contributions” means contributions payable under regulation 30 or 31.

Textual Amendments

F61 Words in [reg. 68\(1\)\(e\)](#) substituted (6.4.2020) by [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), [regs. 1, 37\(4\)](#)

Death in service before end of contributions payment period

- 69.**—(1) This regulation applies on the death of a member (D)—
- ^{F62}(a) whose additional pension election is for—
 - (i) an additional (self only) pension; or
 - (ii) an additional (self only) pension and an additional (survivor’s) pension; and]
 - (b) who dies while an active member before the end of the contributions payment period for that election.
- (2) If D dies before the end of the refund period—
- (a) the amount of the contributions paid by D must be repaid to D's [^{F63}personal] representatives; [^{F64}and]
 - ^{F65}(b)

- (c) the additional pension account must be closed.
- (3) If D dies after the end of the refund period—
 - (a) the periodic payments cease to be payable as at the date of D's death; and
 - (b) paragraph (4) applies.
- (4) For the purpose of calculating a survivor's pension—
 - (a) if the scheme manager believes that the declaration that accompanied the additional pension election was made in good faith—
 - (i) the periodic payments under the additional pension election are treated as being paid until the end of the contributions payment period for the election; and
 - (ii) the amount of accrued additional pension calculated is under paragraph 28 of Schedule 9 as at the date of D's death;
 - (b) if the scheme manager has reasonable grounds to believe that declaration was not made in good faith, paragraph (2)(a) to (c) applies.

Textual Amendments

- F62** Reg. 69(1)(a) substituted (with effect in accordance with reg. 1(2)(a) of the amending S.I.) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **37(2)**
- F63** Word in reg. 69(2)(a) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **37(3)(a)(i)**
- F64** Word in reg. 69(2)(a) inserted (1.4.2017) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **37(3)(a)(ii)**
- F65** Reg. 69(2)(b) omitted (1.4.2017) by virtue of [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), regs. 2(c), **37(3)(b)**

Ill-health pension becomes payable before end of contributions payment period

70.—(1) This regulation applies if an ill-health pension becomes payable to a member (M) before the end of the contributions payment period for an additional pension election.

(2) If an ill-health pension becomes payable to M in consequence of a claim made before the end of the refund period—

- (a) any periodic payments that have been made under the election must be repaid to M; ^[F66]and
- ^{F67}(b)
- (c) the amount of accrued additional pension attributable to the election as at the last day of pensionable service must be disregarded.

^[F68](3) If an ill-health pension becomes payable to M in consequence of a claim made after the end of the refund period—

- (a) the periodic payments under the additional pension election are treated as being paid until the end of the contributions payment period for the election; and
 - (b) paragraph (4) applies.
- (4) For the purpose of calculating the annual rate of ill-health pension—

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4. (See end of Document for details)

- (a) if the scheme manager believes that the declaration that accompanied the additional pension election was made in good faith, the amount of accrued additional pension is calculated under paragraph 28 of Schedule 9 as at the last day of pensionable service;
- (b) if the scheme manager believes that the declaration was not made in good faith, paragraph (2)(a) and (c) applies.]

Textual Amendments

- F66** Word in [reg. 70\(2\)\(a\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(a\)](#) of the amending S.I.) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), [regs. 2\(c\)](#), **38(2)(a)**
- F67** [Reg. 70\(2\)\(b\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(a\)](#) of the amending S.I.) by virtue of [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), [regs. 2\(c\)](#), **38(2)(b)**
- F68** [Reg. 70\(3\)\(4\)](#) substituted for [reg. 70\(3\)](#) (with effect in accordance with [reg. 1\(2\)\(a\)](#) of the amending S.I.) by [The National Health Service Pension Scheme and Additional Voluntary Contributions \(Amendment\) Regulations 2017 \(S.I. 2017/275\)](#), [regs. 2\(c\)](#), **38(3)**

Effect of part payment of contributions

71.—(1) This regulation applies if—

- (a) the full amount of contributions payable by a member (M) under an additional pension election is not paid; and
- (b) neither regulation 69(2) nor 70(2) applies.

(2) The amount of accrued additional pension under paragraph 28(3) of Schedule 9 is the appropriate portion of the amount of accrued additional pension if the full amount of contributions had been paid.

(3) In the case of an election under regulation 55(3)(b), the amount of accrued additional pension under Part 6 in respect of M is the appropriate proportion of the amount had the full amount of contributions been paid.

(4) For the purposes of paragraphs (2) and (3), the appropriate proportion is calculated in accordance with such method as the scheme actuary determines and specifies in guidance given to the scheme manager.

(5) In making a determination under paragraph (4), the scheme actuary must have regard to—

- (a) the proportion that the total contributions paid bears to the full amount of contributions due to be paid under the election for the full contributions payment period; and
- (b) the requirements of Chapter 1 of Part 4 of the 1993 Act relating to the preservation of benefits under occupational pension schemes.

Status:

Point in time view as at 01/04/2023.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, PART 4.