
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service Pension Scheme Regulations 1995 (S.I. 1995/300) (“the 1995 Regulations”), the National Health Service Pension Scheme Regulations 2008 (S.I. 2008/653) (“the 2008 Regulations”), the National Health Service (Injury Benefits) Regulations 1995 (“the IB Regulations”) and the National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000 (S.I. 2000/619) (“the AVC Regulations”).

The Regulations are divided into six Parts. Part 1 is introductory, Parts 2 and 3 amend the 1995 Regulations and the 2008 Regulations respectively, Part 4 makes consequential amendments to the IB Regulations, Part 5 makes consequential amendments to the AVC Regulations and Part 6 provides that certain persons detrimentally affected by these Regulations may elect for its provisions not to apply to them.

Part 1 provides for citation, commencement and effect, including that certain provisions of these Regulations take effect before the date they come into force (see section 12(1) Superannuation Act 1972 c.11 for the relevant power).

Parts 2 and 3 make similar amendments in respect of both the 1995 Regulations and the 2008 Regulations. They also introduce amendments specific to either the 1995 Regulations or the 2008 Regulations.

The changes dealing with similar issues in Parts 2 and 3—

- introduce new definitions relevant to those Regulations (regulations 3, 19, 39)
- amend the regulations specifying what constitutes pensionable pay (regulations 4, 20)
- amend the provisions relating to the rate of contributions payable for the scheme years 2015-2016 to 2018-2019 (inclusive) (regulations 5, 15, 22, 24, 41)
- insert new provisions (regulations D1A and E3AB of the 1995 Regulations and regulations 2.C.4A and 2.D.11A of the 2008 Regulations) and amend existing provisions dealing with entitlement to, and calculation of, redundancy pensions and the payment of contributions under an additional contribution option (regulations 6 to 9, 25 to 29)
- amend the provisions relating to applications for transfers (regulations 11, 31 to 33, 43 to 45)
- insert new provisions (regulation M8 of the 1995 Regulations and regulation 2.F.18 and 3.F.18 of the 2008 Regulations) dealing with a member’s right to transfer a preserved or deferred pension to 2015 Scheme (regulations 13, 34, 46)
- amend the provision relating to tax, lifetime allowances and protections (regulations 14, 18).

Amendments specific to the 1995 Regulations—

- make amendments to the provisions governing the payments of pensions to widows in the case of hardship (regulation 10)
- make minor technical amendments to regulation M7 of those Regulations which deals with the right to transfer a preserved pension from the 1995 to the 2008 Section of the Scheme (regulation 12)
- make minor technical amendments to the heading of Schedule 2B (regulation 16).

Amendments specific to the 2008 Regulations—

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- make technical correcting amendments to the provisions relating to the determination of pensionable pay (regulation 23)
- amend regulation 2.E.5 to omit unnecessary words (regulation 30)
- make minor amendments to regulations 2.M.3, 2.M.4, 2.M.6 and 2.M.7 (regulations 35 to 38).

Part 4 makes amendments to the IB Regulations to reflect the coming into force of the National Health Service Pension Scheme 2015. The amendments to the IB Regulations insert appropriate cross references to the applicable provisions of the 2015 Scheme to ensure that when calculating benefits under those Regulations the provisions of the 2015 Scheme apply as necessary (regulations 48, 49, 51, 52). The definition of “average remuneration” in the IB Regulations is also amended (regulation 50).

Part 5 makes amendments to the AVC Regulations to reflect the coming into force of the National Health Service Pension Scheme 2015. The amendments to the AVC Regulations insert appropriate cross references to the applicable provisions of the 2015 Scheme in relation to, inter alia, the making and acceptance of elections, payment of additional voluntary contributions, elections, transfers, pensions provision repayment of investments, payments by the Secretary of State offsetting and forfeiture of benefits. The amendments also provide greater flexibility when members take their AVC benefits (regulations 54 to 65).

Part 6 provides that deferred members, or members in receipt of a relevant benefit, who are detrimentally affected by these Regulations may elect for the provisions not to apply to them by giving notice within six months of the coming into force of these Regulations (regulation 66).