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STATUTORY INSTRUMENTS

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**2023 No. 301**

**PUBLIC SERVICE PENSIONS,  
ENGLAND AND WALES  
NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service Pension  
Schemes (Amendment) Regulations 2023**

<i>Made</i>	- - - -	<i>8th March 2023</i>
<i>Laid before Parliament</i>		<i>10th March 2023</i>
<i>Coming into force</i>	- -	<i>1st April 2023</i>

The Secretary of State for Health and Social Care makes the following Regulations in exercise of the powers conferred by section 10(1) and (2) of, and Schedule 3 to, the Superannuation Act 1972<sup>(1)</sup> (“the 1972 Act”) and sections 1(1) and (2)(e), 2(1) and 3(1) to (3) of, and paragraph 5(a) of Schedule 2 and Schedule 3 to, the Public Service Pensions Act 2013<sup>(2)</sup> (“the 2013 Act”).

In accordance with section 10(4) of the 1972 Act and section 21(1) of the 2013 Act, the Secretary of State has consulted such persons or representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations.

In accordance with section 10(1) of the 1972 Act<sup>(3)</sup> and section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

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(1) 1972 c. 11. Section 10(1) was amended by sections 57 and 58 of, and Schedule 5 to, the National Health Service Reorganisation Act 1973 (c. 32) and section 4(2) of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) (“the 1990 Act”). Section 10(2A) was inserted by section 8(5) of the 1990 Act. Section 12(2) was amended by section 10(1) of the 1990 Act.

(2) 2013 c. 25. Section 3(1) and (2) were amended by section 94(2) and (3) of the Public Service Pensions and Judicial Offices Act 2022 (c. 7).

(3) The functions of the Minister for the Civil Service under section 10 of the 1972 Act were transferred to the Treasury by article 2 of S.I. 1981/1670.

*Status: Point in time view as at 01/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Schemes (Amendment) Regulations 2023. (See end of Document for details)*

## PART 1

### Introductory

#### Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service Pension Schemes (Amendment) Regulations 2023.

(2) These Regulations come into force on 1st April 2023.

(3) These Regulations extend to England and Wales.

#### Commencement Information

**I1** Reg. 1 in force at 1.4.2023, see [reg. 1\(2\)](#)

## PART 2

### Amendment of the National Health Service Pension Scheme Regulations 1995

#### General

2. The National Health Service Pension Scheme Regulations 1995(4) are amended in accordance with this Part.

#### Commencement Information

**I2** Reg. 2 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Amendment of regulation K2

3. In regulation K2 (guaranteed minimum pensions)(5), in paragraph (2)(b), for “reduced or suspended under regulation S1 or S2 (members who return to NHS employment after becoming entitled to a pension)” substitute “reduced under regulation S2 (reduction of pension on return to NHS employment)”.

#### Commencement Information

**I3** Reg. 3 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Amendment of regulation R4

4. In regulation R4 (members doing more than one job), omit paragraph (8).

(4) [S.I. 1995/300](#).

(5) Regulation K2 was amended by [S.I. 2010/1634](#).

**Commencement Information**

**I4** Reg. 4 in force at 1.4.2023, see [reg. 1\(2\)](#)

**Omission of regulation S1**

5. Omit regulation S1 (suspension of pension on return to NHS employment)(6).

**Commencement Information**

**I5** Reg. 5 in force at 1.4.2023, see [reg. 1\(2\)](#)

**Amendment of regulation S2**

6. In regulation S2 (reduction of pension on return to NHS employment), in paragraph (14), for the definition of “NHS employment” substitute—

““NHS employment” includes—

- (a) employment in respect of which regulations made under section 10 of the Superannuation Act 1972, and having effect in Scotland, apply; employment to which regulations made under Article 12 of the Superannuation (Northern Ireland) Order 1972 apply and employment commencing on or before 31st March 2012 to which a scheme made under section 2 of the Superannuation Act 1984 (an Act of Tynwald) applies; and
- (b) employment with an employer with whom an agreement has been made under section 235 of the 2006 Act or in respect of whom a direction has been made under section 7 of the Superannuation (Miscellaneous Provisions) Act 1967.”

**Commencement Information**

**I6** Reg. 6 in force at 1.4.2023, see [reg. 1\(2\)](#)

## PART 3

### Amendment of the National Health Service Pension Scheme Regulations 2015

**General**

7. The National Health Service Pension Scheme Regulations 2015(7) are amended in accordance with this Part.

**Commencement Information**

**I7** Reg. 7 in force at 1.4.2023, see [reg. 1\(2\)](#)

(6) Section 45 of the Coronavirus Act 2020 made a temporary modification to regulation S1; this temporary modification was made again by [S.I. 2022/273](#) as amended by [S.I. 2022/1028](#), the effect of which was that the temporary modification to regulation S1 applied until the end of 31st March 2023.

(7) [S.I. 2015/94](#).

**Status:** Point in time view as at 01/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Schemes (Amendment) Regulations 2023. (See end of Document for details)

### Amendment of regulation 19

**8.** In regulation 19 (restrictions on membership)(**8**), in sub-paragraph (1)(g), insert “(iv) a primary care network management company” and after “APMS contract” insert “or primary care network standard sub-contract”.

#### Commencement Information

**18** Reg. 8 in force at 1.4.2023, see [reg. 1\(2\)](#)

### Amendment of regulation 30

**9.**—(1) Regulation 30 (members’ contributions: employees)(**9**) is amended as follows.

(2) In paragraph (3), for “2022/23”, in both places it occurs, substitute “2023/24”.

(3) In paragraph (3A), for “2022/23”, in both places it occurs, substitute “2023/24”.

#### Commencement Information

**19** Reg. 9 in force at 1.4.2023, see [reg. 1\(2\)](#)

### Amendment of regulation 31

**10.**—(1) Regulation 31 (members’ contributions: practitioners and non-GP providers)(**10**) is amended as follows.

(2) In paragraph (9)—

(a) in sub-paragraph (a), for “each scheme year from 2015/16 to 2021/22, Table 1” substitute “the scheme year 2022/23, Table 1A and Table 1B as applicable”;

(b) in sub-paragraph (b), for “2022/23” substitute “2023/24”;

(c) for the heading “Table 1 Scheme Years from 2015/16 to 2021/22” substitute “Table 1A Scheme Year 2022/23 from 1st April 2022 to 30th September 2022”;

(d) after new Table 1A, insert—

**“Table 1B Scheme Year 2022/23 from 1st October 2022 to 31st March 2023**

<i>Column 1</i>	<i>Column 2</i>
<b><i>Pensionable earnings band</i></b>	<b><i>Contribution percentage rate</i></b>
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%

(8) Regulation 19 was amended by [S.I. 2022/327](#).

(9) Regulation 30 was amended by [S.I. 2022/273](#), which was amended by [S.I. 2022/991](#).

(10) Regulation 31 was amended by [S.I. 2022/273](#), which was amended by [S.I. 2022/991](#).

<b>Column 1</b>	<b>Column 2</b>
£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%”;

(e) in the heading for Table 2, for “2022/23” substitute “2023/24”.

#### **Commencement Information**

**I10** Reg. 10 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### **Amendment of regulation 33**

**11.** In regulation 33 (contributions by employing authorities), in the table following paragraph (6), after both occurrences of “OOH provider”, and after “non-GP provider”, insert “or a primary care network management company”.

#### **Commencement Information**

**I11** Reg. 11 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### **Amendment of regulation 38**

**12.** In regulation 38 (members’ contributions: supplementary: medical practitioners and non-GP providers)(**11**), in paragraph (2)(a), after “in accordance” insert “with”.

#### **Commencement Information**

**I12** Reg. 12 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### **Amendment of regulation 86**

**13.** In regulation 86 (terms of employment improve after election), in paragraph (3), after “regulation 85(2)” insert “(a) and (b)”.

#### **Commencement Information**

**I13** Reg. 13 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### **Amendment of regulation 105**

**14.** In regulation 105 (previous earnings: general), in paragraph (7), in the definition of “re-valued pensionable earnings”, after “by order” insert “(in respect of the NHS Pension Scheme 2015)”.

(11) Regulation 38 was amended by [S.I. 2019/418](#) and [2022/273](#).

**Status:** Point in time view as at 01/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Schemes (Amendment) Regulations 2023. (See end of Document for details)

#### Commencement Information

**I14** Reg. 14 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Amendment of regulation 150

**15.** In regulation 150 (interpretation), in paragraph (3)(**12**) insert “(e) a primary care network standard sub-contract(**13**).”.

#### Commencement Information

**I15** Reg. 15 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Amendment of regulation 166

**16.**—(1) Regulation 166 (medical practitioner)(**14**) is amended as follows.

(2) In paragraphs (4) and (5) insert a new sub-paragraph “(d) a primary care network management company.”.

(3) In paragraph (7), after the first occurrence of “a Local Health Board” insert “or a primary care network management company” and after the second occurrence insert “or as a party to a primary care network standard sub-contract”.

#### Commencement Information

**I16** Reg. 16 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Amendment of Schedule 9

**17.**—(1) Schedule 9 (pension accounts) is amended as follows.

(2) In paragraph 1 (interpretation)—

(a) for the definition of “index adjustment” substitute—

““index adjustment” means—

- (a) in relation to the opening balance of earned pension for a scheme year (other than the opening balance of club transfer earned pension), the percentage increase or decrease in prices specified in an order (in respect of the NHS Pension Scheme 2015) made by the Treasury under section 9(2) of the 2013 Act in relation to the previous scheme year, plus 1.5%; and
- (b) in relation to the opening balance of club transfer earned pension for a scheme year, the adjustment that is—

(12) Paragraph (3) was substituted by regulation 42(2) of [S.I. 2017/275](#).

(13) The subcontract for the provision of services related to the Network Contract Directed Enhanced Service 2022/23 published on 31 August 2022 is available at <https://www.england.nhs.uk/publication/subcontract-for-the-provision-of-services-related-to-the-network-contract-directed-enhanced-service-2022-23/> or hard copies are available from the Primary Care Strategy and NHS Contracts team, NHS England, Area 2D, Skipton House, 80 London Road, London, SE1 6LH.

(14) Regulation 166 was amended by [S.I. 1996/705](#), [2000/3041](#), [2002/1883](#), [2006/181](#), [2006/1914](#), [2007/3101](#), [2008/1774](#) and [2017/275](#).

- (i) equal to the adjustment that would apply to the opening balance of that amount of earned pension under the sending scheme for the previous scheme year, and
  - (ii) applied to the opening balance of club transfer earned on the date that the order (in respect of the NHS Pension Scheme 2015) made by the Treasury under section 9(2) of the 2013 Act in relation to the previous scheme year, has effect.”
- (b) in the definition of “AP index adjustment”, after “in an order”, insert “(in respect of the NHS Pension Scheme 2015)”.
- (3) In paragraph 3 (meaning of “leaver index adjustment”)—
  - (a) in sub-paragraph (1), in Step 1, after “in an order”, insert “(in respect of the NHS Pension Scheme 2015)”;
  - (b) for sub-paragraph (2), substitute—
    - “(2) Subject to sub-paragraph 2A, the leaver index adjustment for an amount of club transfer accrued earned pension is—
      - (a) equal to the adjustment that would apply under the sending scheme to an amount of accrued earned pension equal to the amount of club transfer accrued earned pension specified in the active member’s account at the end of the relevant last day; and
      - (b) applied to the amount of club transfer earned pension at the end of the relevant last day on the date that the order (in respect of the NHS Pension Scheme 2015) made by the Treasury under section 9(2) of the 2013 Act in relation to the previous scheme year, has effect.”.
- (4) In paragraph 4 (meaning of “leaver AP index adjustment”), in sub-paragraph (2)(b), after “in an order”, insert “(in respect of the NHS Pension Scheme 2015)”.

**Commencement Information**

**I17** Reg. 17 in force at 1.4.2023, see [reg. 1\(2\)](#)

**Amendment of Schedule 10**

**18.** In Schedule 10 (practitioner income)(**15**), in sub-paragraph (2) of paragraph (2) (medical practitioner), under “CASE 1” after “(c) an APMS contract;” insert “(ca) a primary care network standard sub-contract;”.

**Commencement Information**

**I18** Reg. 18 in force at 1.4.2023, see [reg. 1\(2\)](#)

**Amendment of Schedule 15**

- 19.**—(1) Schedule 15 (definitions) is amended as follows.
- (2) In the appropriate place, insert the following new expressions:

(15) Schedule 10 was amended by [S.I. 2016/245](#), [2017/275](#), [2019/418](#), [2021/631](#), and [2022/634](#).

**Status:** Point in time view as at 01/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Schemes (Amendment) Regulations 2023. (See end of Document for details)

- (a) “primary care network” and for the corresponding entry in Column 2 insert “a network of primary medical services contractors and other providers of services which has been approved by the National Health Service Commissioning Board, serving an identified geographical area(16)”;
- (b) “primary care network management company” and for the corresponding entry in Column 2 insert “a partnership or incorporated legal entity that is a party to a primary care network standard sub-contract and under which provides services to that network that are related to the management of that network”; and
- (c) “primary care network standard sub-contract” and for the corresponding entry in Column 2 insert “a sub-contract that complies with the National Health Service Commissioning Board’s template sub-contract, “Sub-contract for the provision of services related to the Network Contract Directed Enhanced Service 2022/23”(17)”.

#### Commencement Information

**I19** Reg. 19 in force at 1.4.2023, see [reg. 1\(2\)](#)

## PART 4

### Amendment of the National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015

#### General

**20.** The National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015(18) are amended in accordance with this Part.

#### Commencement Information

**I20** Reg. 20 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Amendment of regulation 37

**21.** In regulation 37(1) (variations to lump sums for 1995 and 2008 pensioners joining new scheme)(19), for “and 7”, in the first place it occurs, substitute “, 7, 9 and 10”.

#### Commencement Information

**I21** Reg. 21 in force at 1.4.2023, see [reg. 1\(2\)](#)

(16) The Network Contract Directed Enhanced Service Contract Specification published on 31 March 2021, covering primary care networks is available at <https://www.england.nhs.uk/publication/network-contract-des-specification-2021-22> or hard copies are available from the Primary Care Strategy and NHS Contracts team, NHS England, Area 2D, Skipton House, 80 London Road, London, SE1 6LH.

(17) The subcontract for the provision of services related to the Network Contract Directed Enhanced Service 2022/23 published on 31 August 2022 is available at <https://www.england.nhs.uk/publication/subcontract-for-the-provision-of-services-related-to-the-network-contract-directed-enhanced-service-2022-23/> or hard copies are available from the Primary Care Strategy and NHS Contracts team, NHS England, Area 2D, Skipton House, 80 London Road, London, SE1 6LH.

(18) [S.I. 2015/95](#).

(19) Regulation 37 was amended by [S.I. 2022/327](#).



## Amendment of Schedule 1

**22.** In paragraph 1 of Schedule 1 (eligibility of 1995 Section pensioners to join new scheme)**(20)**, at the end of the table insert—

“9	<p>a 1995 Section pensioner in receipt of a tier 2 pension under regulation E2A of the 1995 Regulations—</p> <p>(a) who returns to NHS employment and the first anniversary of that return is on or after 1st April 2023; and</p> <p>(b) whose protection period for the purposes of regulation E2C of the 1995 Regulations spans 1st April 2023 or begins on or after 1st April 2023.</p>	<p>eligible to be an active member of the new scheme on the day after the protection period in regulation E2C(6)(b) of the 1995 Regulations ends.</p>
10	<p>a 1995 Section pensioner, other than a tier 2 ill-health pensioner, who does not fall within one of the Groups above.</p>	<p>eligible to be an active member of the new scheme, or re-join the new scheme, on the first day on or after 1st April 2023 on which the member is in an employment that would, apart from the operation of regulation 19(1)(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.”</p>

### Commencement Information

**I22** Reg. 22 in force at 1.4.2023, see [reg. 1\(2\)](#)

## PART 5

### Modifications of member contribution provisions in the National Health Service Pension Scheme Regulations 2015

#### General

**23.** The National Health Service Pension Scheme Regulations 2015**(21)** are modified in accordance with this Part.

**(20)** The table in paragraph 1 of Schedule 1 was amended by [S.I. 2022/327](#) and [2022/991](#).

**(21)** [S.I. 2015/94](#).

**Status:** Point in time view as at 01/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Schemes (Amendment) Regulations 2023. (See end of Document for details)

#### Commencement Information

**I23** Reg. 23 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### [<sup>F1</sup> Application and expiry of modifications in this Part

**24.** The modifications in this Part apply only—

- (a) for the purposes of members’ contributions payable under the National Health Service Pension Scheme Regulations 2015 in respect of the scheme year 2022/23; and
- (b) until the end of 31st March 2025.]

#### Textual Amendments

**F1** Reg. 24 substituted (1.4.2024) by [The National Health Service Pension Schemes \(Amendment\) Regulations 2024 \(S.I. 2024/281\)](#), regs. 1(2), **36**

#### Modification of regulation 31

**25.** Regulation 31 (members’ contributions: practitioners and non-GP providers)(**22**) is to be read as if—

- (a) in paragraph (3), for “the scheme year in question” there were substituted “each relevant period of the scheme year 2022/23 and for the scheme year 2023/24”;
- (b) after paragraph (9), there were inserted—
  - “(9A) For the purposes of this regulation, the “relevant period of the scheme year 2022/23” means the period, as applicable—
    - (a) beginning with 1st April 2022 and ending with 30th September 2022;
    - (b) beginning with 1st October 2022 and ending with 31st March 2023.”;
- (c) in paragraph (10), at the end, there were inserted “and references to the relevant period of the scheme year 2022/23 in regulations 38 and 39 must be construed in accordance with paragraph (9A)”.

#### Commencement Information

**I24** Reg. 25 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Modification of regulation 38

**26.** Regulation 38 (members’ contributions: supplementary: medical practitioners and non-GP providers)(**23**) is to be read as if—

- (a) in paragraph (2)—
  - (i) in the words before sub-paragraph (a), for “a scheme year” there were substituted “each relevant period of the scheme year 2022/23”;
  - (ii) in sub-paragraph (b), after “M’s pensionable earnings for” there were inserted “each relevant period of”.

(22) Regulation 31 was amended by [S.I. 2022/273](#), which was amended by [S.I. 2022/991](#).

(23) Regulation 38 was amended by [S.I. 2019/418](#) and [2022/273](#).

- (b) after paragraph (2), there were inserted—
- “(2A) Paragraph (3A) applies if, in respect of the scheme year 2022/23, M—
- (a) has certified M’s pensionable earnings in accordance 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.”;
- (c) in paragraph (3)—
- (i) in the words before sub-paragraph (a), for “the scheme year in question” there were substituted “each relevant period of the scheme year 2022/23”;
- (ii) for sub-paragraph (a), there were substituted—
- “(a) certified or final pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 uprated according to the formula:
- $$\frac{PE}{NDRP} \times 365$$
- where—
- PE is the certified or final amount of M’s pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23;
- NDRP is the number of days of M’s group D service in each relevant period of the scheme year 2022/23; and”;
- (iii) in sub-paragraph (b)—
- (aa) after “received” there were inserted “for each relevant period of the scheme year 2022/23”;
- (bb) at the end, there were inserted—
- “,
- and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are M’s certified or final pensionable earnings from all group D sources for each relevant period”.
- (d) after paragraph (3), there were inserted—
- “(3A) If paragraph (3) does not apply to M in respect of the scheme year 2022/23, M’s contributions payable for each relevant period of the scheme year 2022/23 are those specified in column 2 of the relevant table in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the aggregate of—
- (a) the pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined by applying the formula:
- $$\frac{PE}{NDPS} \times NDRP$$
- where—
- PE is the certified or final amount of M’s pensionable earnings from all group D sources for the scheme year 2022/23;
- NDPS is the number of days of M’s group D service in the scheme year 2022/23;

*Status: Point in time view as at 01/04/2024.*

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NDRP is the number of days of M’s group D service in each relevant period of the scheme year 2022/23,

and uprated according to the formula:

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

where—

PE is M’s pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined in accordance with this paragraph;

NDRP is the number of days of M’s group D service in each relevant period of the scheme year 2022/23; and

- (b) any additional pensionable earnings M is treated as having received for each relevant period of the scheme year 2022/23 during an absence from work in accordance with regulation 28,

and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are determined by applying the formula:

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

where—

PE is the certified or final amount of M’s pensionable earnings from all group D sources for the scheme year 2022/23;

NDPS is the number of days of M’s group D service in the scheme year 2022/23;

NDRP is the number of days of M’s group D service in each relevant period of the scheme year 2022/23.”;

- (e) in paragraph (4), in the words before sub paragraph (a), for “paragraph (3) does” there were substituted “paragraphs (3) or (3A) do”;
- (f) in paragraph (5)—
- (i) for “paragraph (2)(a) or (b) is”, there were substituted “paragraphs (2)(a) or (b) or (2A)(a) or (b) are”;
  - (ii) after “rate” there were inserted “or rates”;
  - (iii) for “paragraph (3)” there were substituted “paragraphs (3) or (3A)”.

#### Commencement Information

**I25** Reg. 26 in force at 1.4.2023, see [reg. 1\(2\)](#)

#### Modification of regulation 39

27. Regulation 39 (members’ contributions: supplementary: dental practitioners)(**24**) is to be read as if—

- (a) in paragraph (2)—
- (i) in the words before sub-paragraph (a), for “a scheme year” there were substituted “each relevant period of the scheme year 2022/23”;

(24) Regulation 39 was amended by [S.I. 2019/418](#) and [2022/273](#).

- (ii) in sub-paragraph (b), after “M’s pensionable earnings for” there were inserted “each relevant period of”.
- (b) after paragraph (2), there were inserted—
- “(2A) Paragraph (3A) applies if, in respect of the scheme year 2022/23, 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.”;
- (c) in paragraph (3)—
- (i) in the words before sub-paragraph (a), for “the scheme year in question” there were substituted “each relevant period of the scheme year 2022/23”;
- (ii) for sub-paragraph (a), there were substituted—
- “(a) reconciled, certified or final pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 uprated according to the formula:
- $$\frac{PE}{NDRP} \times 365$$
- where—
- PE is the reconciled, certified or final amount of the dental practitioner’s pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23;
- NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23; and”;
- (iii) in sub-paragraph (b)—
- (aa) after “received” there were inserted “for each relevant period of the scheme year 2022/23”;
- (bb) at the end, there were inserted—
- “,
- and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are M’s reconciled, certified or final pensionable earnings from all group D sources for each relevant period”.
- (d) after paragraph (3), there were inserted—
- “(3A) If paragraph (3) does not apply to M in respect of the scheme year 2022/23, M’s contributions payable for each relevant period of the scheme year 2022/23 are those specified in column 2 of the relevant table in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the aggregate of—
- (a) the pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined by applying the formula:
- $$\frac{PE}{NDPS} \times NDRP$$
- where—

**Status:** Point in time view as at 01/04/2024.

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PE is the reconciled, certified or final amount of the dental practitioner’s pensionable earnings from all group D sources for the scheme year 2022/23;

NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23,

NDPS is the number of days of dental practitioner service in the scheme year 2022/23;

and updated according to the formula:

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

where—

PE is M’s pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined in accordance with this paragraph;

NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23; and

- (b) any additional pensionable earnings M is treated as having received for each relevant period of the scheme year 2022/23 during an absence from work in accordance with regulation 28

and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are determined by applying the formula:

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

where—

PE is the reconciled, certified or final amount of the dental practitioner’s pensionable earnings from all group D sources for the scheme year 2022/23;

NDPS is the number of days of dental practitioner service in the scheme year 2022/23;

NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23.”

- (e) in paragraph (4), in the words before sub paragraph (a), for “paragraph (3) does” there were substituted “paragraphs (3) or (3A) do”;
- (f) in paragraph (5)—
- (i) for “paragraph (2)(a) or (b) is”, there were substituted “paragraphs (2)(a) or (b) or (2A)(a) or (b) are”;
  - (ii) after “rate” there were inserted “or rates”;
  - (iii) for “paragraph (3)” there were substituted “paragraphs (3) or (3A)”.

#### Commencement Information

**I26** Reg. 27 in force at 1.4.2023, see [reg. 1\(2\)](#)

Signed by authority of the Secretary of State for Health and Social Care

8th March 2023

*Will Quince*  
Minister of State,  
Department of Health and Social Care

We consent

8th March 2023

*Steve Double*  
*Scott Mann*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** Point in time view as at 01/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service Pension Schemes (Amendment) Regulations 2023. (See end of Document for details)

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## 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 2015 (S.I. 2015/94) (“the 2015 Regulations”), and the National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015 (S.I. 2015/95) (“the 2015 Transitional Regulations”) and make temporary modifications of certain member contributions provisions in the 2015 Regulations.

These regulations come into force on 1st April 2023.

Regulations 3, 4, 5 and 6 amend the 1995 Regulations to permanently remove the ‘16 hour rule’, which requires a member’s pension benefits to be suspended if they return to NHS employment and commit to more than 16 hours per week within one month of the pension becoming payable.

Regulations 9 and 10 amend the 2015 Regulations to update member contribution provisions to reflect the start of scheme year 2023/24. Regulation 10 also updates table 1 in regulation 31 (members’ contributions: practitioners and non-GP providers), which sets out the historic pensionable earnings bands and contribution rates, to reflect scheme year 2022/23.

Regulations 14 and 17, amend the 2015 Regulations to ensure that the correct figure and enforcement date in the annual Treasury order made under section 9 of the Public Service Pensions Act 2013 (c. 25) are used in respect of the 2015 Regulations, following planned forthcoming amendment of the order.

Regulations 8, 11, 15, 16, 18 and 19 make provision for scheme access with regards to practitioners and employees working as part of primary care networks.

Regulations 21 and 22 amend the 2015 Transitional Regulations, to allow certain 1995 Scheme pensioners to join the 2015 Scheme and to receive the correct lump sum for death in service.

Part 5 makes temporary modifications to the 2015 Regulations to ensure that the member contributions reconciliation provisions for medical practitioners, non-GP providers and dental practitioners for scheme year 2022/23 reflects the mid-scheme year contribution rate change which came into force on 1st October 2022. These temporary modifications apply until the end of 31st March 2024.

Regulations 12 and 13 correct pre-existing errors in the 2015 Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.



**Status:**

Point in time view as at 01/04/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Pension Schemes (Amendment) Regulations 2023.