

2016 No. 0000

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

**The National Health Service Pension Scheme, Injury Benefits
and Additional Voluntary Contributions (Amendment)
Regulations 2016**

Made - - - - *******

Laid before Parliament *******

Coming into force - - *in accordance with regulation 1*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 10(1) and (2), 12(1), (2) and (4) and 24 of, and Schedule 3 to, the Superannuation Act 1972^(a) and sections 1(1) and (2)(e), 2, 3, 8(1)(a) and (2)(a) of, and paragraph 5(a) of Schedule 2 and Schedule 3 to, the Public Service Pensions Act 2013^(b).

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

In accordance with section 10(1)(c) of the Superannuation Act 1972 and section 3(5) of the Public Service Pensions Act 2013, these Regulations are made with the consent of the Treasury.

PART 1

Introductory

Citation, commencement, effect and extent

1.—(1) These Regulations may be cited as the National Health Service Pension Scheme, Injury Benefits and Additional Voluntary Contributions (Amendment) Regulations 2016.

(a) 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).
(b) 2013 c.25.
(c) The functions of the Minister for the Civil Service under section 10 were transferred to the Treasury by article 2 of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).

(2) Regulations 1 to 6, 10, 11, 13, 14, 17 to 27, 29, 31 to 33, 35, 37 to 47, 49, 51 to 53, 55, 57 to 66, 69(2), 70 to 80, 81(2) and 82 to 100 come into force on 1st April 2016 and, save as provided in paragraphs (4) to (8), have effect from that date.

(3) Regulations 7, 8, 9, 12, 15, 16, 28, 30, 34, 36, 48, 50, 54, 56, 67, 68, 69(3) and 81(3) come into force on 6th April 2016 and have effect from that date.

(4) Regulation 13 has effect from 1st April 2008.

(5) Regulation 96(2)(a) and (3) has effect from 1st April 2009.

(6) Regulations 25 and 45 have effect from 1st April 2013.

(7) Regulations 3(d) insofar as it inserts a definition of “shared parental leave”, 11, 18(3)(b) and (5), 21(e) insofar as it inserts a definition of “shared parental leave”, 22, 23, 26, 29, 39(e), 40, 41(3), 42, 46, 49, 57, 59, 60, 65, 84(2)(a) and (b), 85 and 86(b) have effect from 31st December 2014.

(8) Regulations 4, 14, 24, 33, 44, 53, 64, 66, 69(2), 70, 71, 77, 78(2), 81(2), 82, 83, 88 to 93 and 95 have effect from 1st April 2015.

(9) These Regulations extend to England and Wales.

Part 2

Amendment of the National Health Service Pension Scheme Regulations 1995

General

2. The National Health Service Pension Scheme Regulations 1995(a) are amended as follows.

Amendment of regulation A2

3. In regulation A2 (interpretation)—

(a) for the definition of “buy-out policy”, substitute—

““buy-out policy” means a policy of insurance or annuity contract that is appropriate for the purposes of section 19 of the 1993 Act(b) and satisfies any requirement of Her Majesty’s Revenue and Customs: and “buy-out” shall be construed accordingly;”;

(b) for the definition of “cash equivalent”, substitute—

““cash equivalent” is to be construed in accordance with Chapter 1 of Part IVZA of the 1993 Act;”;

(c) in the definition of “practice staff” after “it provides” insert “including those it provides pursuant to an NHS standard contract and an NHS standard sub-contract”;

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

““contracted-out employment” has the meaning given in section 8 of the 1993 Act;

“NHS standard sub-contract” means a sub-contract that complies with the Department of Health guidance “NHS Standard Sub-Contract for the Provision of Clinical Services 2015/16;(c)”

“shared parental leave” has the meaning given in regulation 3(1) of the Shared Parental Leave Regulations 2014(d);”;

(a) S.I. 1995/300.

(b) Section 19 is concerned with the discharge of liability where a guaranteed minimum pension is secured by insurance policies or annuity contract.

(c) Electronic copies of the guidance can be obtained from www.gov.uk/dh. Hard copies may be obtained from Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

(d) S.I. 2014/3050.

- (e) omit the definitions of “safeguarded percentage” and “safeguarded rights”.

Amendment of regulation B1

4. In sub-paragraph (b) of paragraph (3B) of regulation B1 (membership of this Section of the scheme), for “(8V)” substitute “(8U)”.

Amendment of regulation B3

5.—(1) Regulation B3 (restriction on further participation in this Section of the scheme) is amended as follows.

(2) For sub-paragraphs (a) to (c) of paragraph (8H), substitute—

- “(a) is in pensionable employment on 31st March 2015,
- (b) returns to pensionable employment on or after 1st April 2015 in circumstances where the provision of regulation B2 do not apply, or
- (c) is permitted to join this Section of the scheme by virtue of regulation B2(3).”.

(3) For paragraph (8L), substitute—

“(8L) A person who, on 1st April 2012, has attained the age of 46 years and 7 months but has not attained the age of 50, may not contribute to or accrue further pensionable service under this Section of the scheme unless one of paragraphs (8J), (8M) or (8N) applies to that person and that person—

- (a) is in pensionable employment on 31st March 2015,
- (b) returns to pensionable employment on or after 1st April 2015 in circumstances where the provisions of regulation B2 do not apply, or
- (c) is permitted to join this Section of the scheme by virtue of regulation B2(3).”.

Amendment of regulation D2

6. In paragraph (8) of regulation D2 (contributions by employing authorities), for “purposes of paragraph (3)” substitute “purposes of paragraphs (3) or (3A)”.

Amendment of regulation K1

7. For sub-paragraph (c) of paragraph (2) of regulation K1 (contracting-out conditions to be overriding), substitute—

- “(c) if a pension is forfeited for the reasons specified in paragraph (1)(b) or (c) or paragraph (1A) of regulation T6.”.

Amendment of regulation K4

8.—(1) Regulation K4 (early leavers) is amended as follows.

(2) For paragraph (1), substitute—

“(1) This paragraph applies if a member who is under guaranteed minimum pension age either—

- (a) leaves contracted-out employment under this Section of the scheme before 6th April 2016, or
- (b) was in contracted-out employment under this Section of the scheme on 5th April 2016 but leaves pensionable employment on, or after, 6th April 2016.

This is subject to paragraph (2).

(1A) Where paragraph (1) applies the member’s guaranteed minimum pension at the date of leaving will be increased, when the member reaches guaranteed minimum pension age

or dies (if earlier), by the appropriate percentage specified in relation to each relevant year in the last order under section 148 of the Social Security Administration Act 1992 (reevaluation of earnings factors) to come into force before the tax year in which the member reaches guaranteed minimum pension age or dies (if earlier).”

(3) In paragraph (3), for “If a member returns to contracted-out employment under this Section of the scheme within 6 months after leaving, the two periods of contracted-out” substitute “If a member to whom paragraph (1) applies returns to pensionable employment under this Section of the scheme within 6 months after leaving, the two periods of”.

Amendment of regulation K5

9.—(1) For paragraph (1) of regulation K5 (guaranteed minimum pensions transferred to this Section of the scheme), substitute—

“(1) This paragraph applies where a guaranteed minimum pension has been transferred to this Section of the scheme and the member—

- (a) subsequently leaves contracted-out employment under this Section of the scheme before 6 April 2016, or
- (b) was in contracted-out employment under this Section of the scheme on 5th April 2016 but leaves pensionable employment on, or after, 6th April 2016.

(1A) Where paragraph (1) applies, the guaranteed minimum pension transferred to this Section of the scheme will be increased for each complete tax year after the date of leaving under this Section of the scheme in which the transferred guaranteed minimum pension accrued, until the member reaches guaranteed minimum pension age or dies (if earlier).”.

Amendment of regulation M1

10.—(1) Regulation M1 (member’s right to transfer or buy out) is amended as follows.

(2) For sub-paragraphs (a) and (b) of paragraph (2)(a), substitute—

- “(a) to purchase one or more buy-out policies from one or more insurance companies chosen by the member that satisfies the requirements set out in regulation 12(2) of the Occupational Pension Schemes (Transfer Values) Regulations 1996;
- (b) to acquire rights under a personal pension scheme or another occupational pension scheme;”.

(3) After paragraph (2), insert—

“(2A) Any use of the cash equivalent of a member’s rights under paragraph (2) must satisfy the requirements of Chapter 1 of Part 4ZA of the 1993 Act.”.

Amendment of regulation P1

11. In paragraphs (1) and (4)(b) of regulation P1 (absence because of illness or injury or certain types of leave)(b), for “or parental leave” substitute “, parental leave or shared parental leave”.

Amendment of regulation Q1

12. For paragraph (9) of regulation Q1 (right to buy additional service), substitute—

“(9) Where a member, following a break in pensionable employment in respect of which he received a refund of contributions which has not been repaid, rejoins this Section of the scheme, he may buy all or any part of the previous pensionable service up to, and including,

(a) Paragraph (2) was last amended by regulations 2 and 10 of S.I. 2009/2446.
(b) Paragraphs (1) and (4) were last amended by regulation 2 of S.I. 2007/3280.

5th April 2016 provided that the employment giving rise to that service was not contracted-out employment.”.

Amendment of regulation Q9

13. In sub-paragraph (a) of paragraph (1) of regulation Q9 (effect of member being absent or leaving and rejoining this Section of the scheme during the contribution option period), for “regulation P1(2)” substitute “regulation P1(1)”.

Amendment of regulation R8

14. For sub-paragraph (b) of paragraph (8) of regulation R8 (former members of health service schemes), substitute—

- “(b) on the day the member becomes an active member of the 2015 Scheme either—
- (i) paragraph 2 of Schedule 7 to the 2013 Act, or
 - (ii) paragraph 2 of Schedule 7 to the Public Service Pensions Act (Northern Ireland) 2014(a),
- applies to the period of service in respect of which that transfer value payment is made.”.

Amendment to regulation T6

15. For paragraph (2) of regulation T6 (loss of rights to benefits), substitute—

“(2) A guaranteed minimum pension may be forfeited only if paragraph (1)(b) or (c) or paragraph (1A) applies.”.

Amendment of regulation T7

16. For sub-paragraph (a) of paragraph (3) of regulation T7 (commutation of trivial pensions), substitute—

“(a) preservation requirement; and”.

Amendment of regulation U3

17. In sub-paragraphs (c) and (d) of paragraph (3) of regulation U3 (accounts and actuarial reports), for “D2(1)” substitute “D2”.

Amendment of Schedule 2

18.—(1) Schedule 2 (medical and dental practitioners) is amended as follows.

(2) In the definition of “locum practitioner” in paragraph 1 (additional definitions used in this Schedule), after “provision of” insert “services pursuant to an NHS standard contract or an NHS standard sub-contract,”.

(3) In paragraph 3 (meaning of “pensionable earnings”)—

(a) in paragraph (a)(i) of sub-paragraph (2), after “NHS standard contract,” insert “, an NHS standard sub-contract where the party to the NHS standard contract in question is an employing authority,”;

(b) in sub-paragraphs (2B) and (2C)(b), after “parental leave” insert “, shared parental leave”.

(4) In paragraph 6 (meaning of “pensionable earnings” in relation to other practitioners)—

(a) 2014 c. 2.

(b) Sub-paragraph (2B) was last amended by regulation 6 of S.I. 2014/570 and sub-paragraph (2C) was last amended by regulation 2 of S.I. 2013/413.

- (a) in paragraph (a) of sub-paragraph (1) after “an NHS standard contract” insert “, an NHS standard sub-contract where the party to the NHS standard contract in question is an employing authority”;
- (b) in sub-paragraph (4)—
 - (i) in paragraph (g), after “an NHS standard contract” insert “an NHS standard sub-contract where the party to the NHS standard contract in question is an employing authority”;
 - (ii) omit paragraph (h).

(5) In sub-paragraphs (5) and (6) of paragraph 23 (accounts and actuarial reports)(a), after “parental leave payments” insert “, shared parental leave payments”.

Amendment of Schedule 2B

19.—(1) Schedule 2B (Independent Providers) is amended as follows.

(2) For paragraphs 16 to 18, substitute—

“**16.** An approval application may nominate a date from which approval by the Secretary of State (if granted) is to have effect.

17. Where paragraph 16 applies and—

- (a) the Secretary of State is satisfied that the Independent Provider will satisfy the conditions in paragraph 15 at the nominated date,
- (b) the Secretary of State accepts the nominated date for approval purposes, and
- (c) the nominated date is later than the date on which the Secretary of State approves the application,

approval takes effect from the nominated date.

17A. Where paragraph 16 applies and—

- (a) the Secretary of State is satisfied that the Independent Provider did satisfy the conditions in paragraph 15 at the nominated date,
- (b) the Secretary of State accepts the nominated date for approval purposes,
- (c) the nominated date is earlier than the date on which the Secretary of State approves the application, and
- (d) the Secretary of State has received the contributions referred to in paragraphs (iv) and (v) of sub-paragraph (h) of paragraph 15,

approval takes effect from the nominated date.

18. Where an approval application—

- (a) does not include a nominated date, or
- (b) does include a nominated date which the Secretary of State does not accept for approval purposes,

approval takes effect from the date that it is granted by the Secretary of State.”.

(3) After sub-paragraph (a) of paragraph 52, insert—

“(ab) a complete list of such of the contracts referred to in paragraph (a) which the Independent Provider has sub-contracted by way of NHS standard sub-contract to a third party: that list must also specify the total gross amounts of such sub-contracts and identify the third party in question;”.

(a) Sub-paragraphs (5) and (6) were last amended by regulation 2 of S.I. 20123/413.

Part 3

Amendment of the National Health Service Pension Scheme Regulations 2008

General

20. The National Health Service Pension Scheme Regulations 2008^(a) are amended as follows.

Amendment of regulation 2.A.1

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

(a) for the definition of “buy-out policy”, substitute—

““buy-out policy” means a policy of insurance or annuity contract that is appropriate for the purposes of section 19 of the 1993 Act^(b) and satisfies any requirement of Her Majesty’s Revenue and Customs: and “buy-out” shall be construed accordingly;”;

(b) for the definition of “cash equivalent”, substitute—

““cash equivalent” is to be construed in accordance with Chapter 1 of Part 4ZA of the 1993 Act;”;

(c) in paragraph (b) of the definition of “practice staff” after “it provides” insert “including those it provides pursuant to an NHS standard contract and an NHS standard sub-contract”;

(d) omit the definitions of “safeguarded percentage” and “safeguarded rights”;

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

““NHS standard sub-contract” means a sub-contract that complies with the Department of Health guidance “NHS Standard Sub-Contract for the Provision of Clinical Services 2015/16;”^(c)

“shared parental leave” has the meaning given in regulation 3(1) of the Shared Parental Leave Regulations 2014^(d);”.

Amendment of regulation 2.A.4

22.—(1) Regulation 2.A.4 (pensionable service: breaks in service) is amended as follows.

(2) In sub-paragraph (e) of paragraph (1), after “leave” insert “or shared parental leave”.

(3) In sub-paragraph (e) of paragraph (7), after “leave” insert “or shared parental leave”.

Amendment of regulation 2.A.9

23. In sub-paragraph (e) of paragraph (1) of regulation 2.A.9 (pensionable pay: breaks in service), after “leave” insert “or shared parental leave”.

Amendment of regulation 2.B.2

24. Omit sub-paragraph (c) of paragraph (2) of regulation 2.B.2 (restrictions on eligibility: general).

(a) S.I. 2008/653.

(b) Section 19 is concerned with the discharge of liability where a guaranteed minimum pension is secured by insurance policies or annuity contract.

(c) Electronic copies of the guidance can be obtained from www.gov.uk/dh. Hard copies may be obtained from Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

(d) S.I. 2014/3050.

Amendment of regulation 2.C.1

25. For paragraphs (5) and (6) of regulation 2.C.1 (contributions by members), substitute—

“(5) Paragraph (6) applies where, despite the provisions of this regulation—

(a) a member who—

(i) is not a non-GP provider, has failed to pay member contributions; or

(ii) is a non-GP provider, has failed to pay such contributions; or

(b) an employing authority has failed to deduct such contributions in respect of a member referred to in paragraph (a).

(6) The Secretary of State may recover any sum that remains due in respect of contributions referred to in paragraph (5)—

(a) in any case where an employing authority has ceased to exist and the member is a non-GP provider member referred to in paragraph (5)(a)(ii), by adding those contributions to the amount of contributions that the non-GP provider is due to pay to the host Board;

(b) by deduction from any benefit payable to, or in respect of, a member where the Secretary of State has notified the member of an intention to do so.

(6A) Where paragraph (6)(a) applies, the non-GP provider must record the amount of unpaid contributions in a certificate referred to in regulation 2.J.14.”.

Amendment of regulation 2.C.9

26. In sub-paragraph (e) of paragraph (1) of regulation 2.C.9 (effect of member being absent or leaving and rejoining this section of the scheme during the contribution option period), after “leave” insert “or on shared parental leave”.

Amendment of regulation 2.C.18

27.—(1) Regulation 2.C.18 (repayment of contributions) is amended as follows.

(2) In sub-paragraph (b) of paragraph (1), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

(3) In paragraph (3), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

(4) In paragraph (8), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

Amendment of regulation 2.D.22

28. In sub-paragraph (c) of paragraph (9) of regulation 2.D.22 (guaranteed minimum pensions etc), for “regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996” substitute “regulation 25 of the Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015”(a)

Amendment of regulation 2.E.23

29. For sub-paragraph (d) of paragraph (1) of regulation 2.E.23 (death during period of absence), substitute—

“(d) is on paternity leave, parental leave or shared parental leave,”.

(a) S.I. 2015/1677. Regulation 25 is concerned with the payment of a lump sum instead of a pension.

Amendment of regulation 2.E.26

30. For paragraph (3) of regulation 2.E.26 (guaranteed minimum pensions for surviving spouses and civil partners), substitute—

“(3) Paragraph (2) does not apply to a pension that is forfeited following a conviction for—

- (a) treason;
- (b) an offence under the Official Secrets Acts 1911 to 1989 referred to in regulation 2.J.7(2)(b), or
- (c) murder or manslaughter or any other offence of unlawful killing referred to in regulation 2.J.7(4).”.

Amendment of regulation 2.F.1

31.—(1) Regulation 2.F.1 (introduction: rights to transfer value payment) is amended as follows.

(2) In paragraph (1), for “Chapter 4 of Part 4 of the 1993 Act (transfer values)” substitute “Chapter 1 of Part 4ZA of the 1993 Act (transfer rights: general)”.

(3) In paragraph (2), for “Chapter 5” substitute “Chapter 2”.

(4) In paragraph (3)—

- (a) in sub-paragraph (a)(a), for “Chapter 4” substitute “Chapter 1”;
- (b) in sub-paragraph (b), for “Chapter 5” substitute “Chapter 2”.

Amendment of regulation 2.F.5

32.—(1) Regulation 2.F.5 (ways in which transfer value payments may be applied) is amended as follows.

(2) In paragraph (1)(b), for “If Chapter 4 of Part 4 of the 1993 Act applies to a member, that” substitute “A deferred”.

(3) After paragraph (5), add—

“(6) Paragraph (1) applies whether or not the deferred member is entitled to a guaranteed cash equivalent transfer value payment under Chapter 1 of Part 4ZA of the 1993 Act.”.

Amendment of regulation 2.F.9

33. For paragraph (ii) of sub-paragraph (c) of paragraph (1) of regulation 2.F.9 (procedure for applications under regulation 2.F.8), substitute—

“(ii) where the applicant is not eligible to be an active member of this Section of the Scheme and the application is made in respect of a transfer from a corresponding 2008 Scheme, during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of the 2015 Scheme if either—

- (aa) paragraph 2 of Schedule 7 to the 2013 Act, or
- (bb) paragraph 2 of Schedule 7 to the Public Service Pensions Act (Northern Ireland) 2014(c),

applies to the period of service in respect of which that transfer value payment is made.”.

(a) Sub-paragraph (a) was last amended by regulations 17 and 31 of S.I. 2015/96.
(b) Paragraph (1) was last amended by regulations 17 and 31 of S.I. 2015/96.
(c) 2014 c. 2.

Amendment of regulation 2.J.5

34. Omit sub-paragraph (a) of paragraph (2) of regulation 2.J.5 (commutation of small pensions).

Amendment of regulation 2.J.6

35. For sub-paragraph (a) of paragraph (2) of regulation 2.J.6 (reduction in benefits in cases where loss caused by member's crime, negligence or fraud), substitute—

“(a) is a guaranteed minimum pension, or”.

Amendment of regulation 2.J.7

36. For paragraph (6) of regulation 2.J.7 (forfeiture of rights to benefits), substitute—

“(6) A guaranteed minimum pension may be forfeited only if paragraph (1) applies in the case of an offence within paragraph (2)(b) or to which paragraph (4) applies.”.

Amendment of regulation 2.M.3

37.—(1) For sub-paragraphs (4) to (6) of regulation 2.M.3 (approval applications), substitute—

“(4) An approval application may nominate a date from which approval by the Secretary of State (if granted) is to have effect.

(5) Where sub-paragraph (4) applies and—

- (a) the Secretary of State is satisfied that the Independent Provider will satisfy the conditions in sub-paragraph (3) at the nominated date,
- (b) the Secretary of State accepts the nominated date for approval purposes, and
- (c) the nominated date is later than the date on which the Secretary of State approves the application,

approval takes effect from the nominated date.

(5A) Where sub-paragraph (4) applies and—

- (a) the Secretary of State is satisfied that the Independent Provider did satisfy the conditions in sub-paragraph (3) at the nominated date,
- (b) the Secretary of State accepts the nominated date for approval purposes,
- (c) the nominated date is earlier than the date on which the Secretary of State approves the application, and
- (d) the Secretary of State has received the contributions referred to in paragraphs (iv) and (v) of sub-paragraph (3),

approval takes effect from the nominated date.

(6) Where an approval application—

- (a) does not include a nominated date, or
- (b) does include a nominated date which the Secretary of State does not accept for approval purposes,

approval takes effect from the date that it is granted by the Secretary of State.”.

Amendment of regulation 2.M.8

38. After sub-paragraph (a) of paragraph (3) of regulation 2.M.8 (pension returns), insert—

“(ab) a complete list of such of the contracts referred to in paragraph (a) which the Independent Provider has sub-contracted by way of NHS standard sub-contract to a third party: that list must also specify the total gross amounts of such sub-contracts and identify the third party in question;”.

Amendment of regulation 3.A.1

39. In paragraph (1) of regulation 3.A.1 (interpretation of Part 3: general)—

- (a) for the definition of “buy-out policy”, substitute—

““buy-out policy” means a policy of insurance or annuity contract that is appropriate for the purposes of section 19 of the 1993 Act^(a) and satisfies any requirement of Her Majesty’s Revenue and Customs: and “buy-out” shall be construed accordingly;”;
- (b) for the definition of “cash equivalent”, substitute—

““cash equivalent” is to be construed in accordance with Chapter 1 of Part 4ZA of the 1993 Act;”;
- (c) in paragraph (b) of the definition of “practice staff” after “it provides” insert “including those it provides pursuant to an NHS standard contract and an NHS standard sub-contract”;
- (d) omit the definitions of “safeguarded percentage” and “safeguarded rights”;
- (e) at the appropriate place in the alphabetical order insert—

““NHS standard sub-contract” means a sub-contract that complies with the Department of Health guidance “NHS Standard Sub-Contract for the Provision of Clinical Services 2015/16;”^(b);

“shared parental leave” has the meaning given in regulation 3(1) of the Shared Parental Leave Regulations 2014^(c).”;

Amendment of regulation 3.A.4

40.—(1) Regulation 3.A.4 (pensionable service: breaks in service) is amended as follows.

- (2) In sub-paragraph (e) of paragraph (1), after “leave” insert “or shared parental leave.”.
- (3) In sub-paragraph (e) of paragraph (7), after “leave” insert “or shared parental leave.”.

Amendment of regulation 3.A.7

41.—(1) Regulation 3.A.7 (meaning of “pensionable earnings”) is amended as follows.

(2) In sub-paragraph (g) of paragraph (2), after “NHS standard contract,” insert “an NHS standard sub-contract where the party to the NHS standard contract in question is an employing authority.”.

(3) In sub-paragraph (b) of paragraphs (4) and (5), after “parental leave” insert “, shared parental leave”.

Amendment of regulation 3.A.8

42. In sub-paragraph (e) of paragraph (1) of regulation 3.A.8 (pensionable earnings: breaks in service after “leave” insert “or shared parental leave.”.

Amendment of regulation 3.A.13

43.—(1) Regulation 3.A.13 (meaning of pensionable earnings in relation to other practitioners) is amended as follows.

(a) Section 19 is concerned with the discharge of liability where a guaranteed minimum pension is secured by insurance policies or annuity contract.

(b) Electronic copies of the guidance can be obtained from www.gov.uk/dh. Hard copies may be obtained from Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

(c) S.I. 2014/3050.

(2) In sub-paragraph (e) of paragraph (1), after “NHS standard contract” insert “or NHS standard sub-contract where the party to the NHS standard contract in question is an employing authority,”.

(3) In paragraph (4), after “pharmaceutical services” insert “, services provided by a practitioner pursuant to an NHS standard contract or an NHS standard sub-contract where the party to the NHS Standard contract in question is an employing authority,”.

Amendment of regulation 3.B.2

44. Omit sub-paragraph (c) of paragraph (1) of regulation 3.B.2 (restrictions on eligibility: general).

Amendment of regulation 3.C.5

45. In sub-paragraph (a) of paragraph (19A) of regulation 3.C.5 (payment of contributions), for “2.J.14” substitute “3.J.14”.

Amendment of regulation 3.C.7

46. In sub-paragraph (e) of paragraph (1) of regulation 3.C.7 (effect of member being absent or leaving and rejoining this section of the scheme during the contribution option period after “leave” insert “or shared parental leave”.

Amendment of regulation 3.C.16

47.—(1) Regulation 3.C.16 (repayment of contributions) is amended as follows.

(2) In sub-paragraph (b) of paragraph (1), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

(3) In paragraph (3), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

(4) In paragraph (8), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

Amendment of regulation 3.D.18

48. In sub-paragraph (c) of paragraph (9) of regulation 3.D.18 (guaranteed minimum pensions etc), for “regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996” substitute “regulation 25 of the Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015”(a).

Amendment of regulation 3.E.23

49. In sub-paragraph (d) of paragraph (1) of regulation 3.E.23 (death during period of absence), for “or parental leave” substitute “, parental leave or shared parental leave,”.

Amendment of regulation 3.E.26

50. For paragraph (3) of regulation 3.E.26 (guaranteed minimum pensions for surviving spouses and civil partners), substitute—

“(3) Paragraph (2) does not apply to a pension that is forfeited following a conviction for—

(a) treason;

(a) S.I. 2015/1677. Regulation 25 is concerned with the payment of a lump sum instead of a pension.

- (b) an offence under the Official Secrets Acts 1911 to 1989 referred to in regulation 3.J.7(2)(b), or
- (c) murder or manslaughter or any other offence of unlawful killing referred to in regulation 3.J.7(4).”.

Amendment of regulation 3.F.1

51.—(1) Regulation 3.F.1 (introduction: rights to transfer value payment) is amended as follows.

(2) In paragraph (1), for “Chapter 4 of Part 4 of the 1993 Act (transfer values)” substitute “Chapter 1 of Part 4ZA of the 1993 Act (transfer rights: general)”.

(3) In paragraph (2), for “Chapter 5” substitute “Chapter 2”.

(4) In paragraph (3)—

(a) in sub-paragraph (a)(a), for “Chapter 4” substitute “Chapter 1”;

(b) in sub-paragraph (b), for “Chapter 5” substitute “Chapter 2”.

Amendment of regulation 3.F.5

52.—(1) Regulation 3.F.5 (ways in which transfer value payments may be applied) is amended as follows.

(2) In paragraph (1)(b), for “If Chapter 4 of Part 4 of the 1993 Act applies to a member, that” substitute “A deferred”.

(3) After paragraph (5), add—

“(6) Paragraph (1) applies whether or not the deferred member is entitled to a guaranteed cash equivalent transfer value payment under Chapter 1 of Part 4ZA of the 1993 Act.”.

Amendment of regulation 3.F.9

53. For paragraph (ii) of sub-paragraph (c) of paragraph (1) of regulation 3.F.9 (procedure for applications under regulation 3.F.8), substitute—

“(ii) where the applicant is not eligible to be an active member of this Section of the Scheme and the application is made in respect of a transfer from a corresponding 2008 Scheme, during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of the 2015 Scheme if either—

(aa) paragraph 2 of Schedule 7 to the 2013 Act, or

(bb) paragraph 2 of Schedule 7 to the Public Service Pensions Act (Northern Ireland) 2014(c),

applies to the period of service in respect of which that transfer value payment is made.”.

Amendment of regulation 3.J.5

54. Omit sub-paragraph (a) of paragraph (2) of regulation 3.J.5 (commutation of small pensions).

Amendment of regulation 3.J.6

55. For sub-paragraph (a) of paragraph (2) of regulation 3.J.6 (reduction in benefits in cases where loss caused by member’s crime, negligence or fraud), substitute—

(a) Sub-paragraph (a) was last amended by regulations 17 and 43 of S.I. 2015/96.

(b) Paragraph (1) was last amended by regulations 17 and 45 of S.I. 2015/96.

(c) 2014 c. 2.

“(a) is a guaranteed minimum pension, or”.

Amendment of regulation 3.J.7

56. For paragraph (6) of regulation 3.J.7 (forfeiture of rights to benefits), substitute—

“(6) A guaranteed minimum pension may be forfeited only if paragraph (1) applies in the case of an offence within paragraph (2)(b) or to which paragraph (4) applies.”.

Amendment of regulation 3.J.14

57.—(1) Regulation 3.J.14 (employing authority and certain member record keeping and contribution estimates) is amended as follows.

(2) In sub-paragraph (c) of paragraph (4), after “parental leave payments” insert “, shared parental leave payments”.

(3) In sub-paragraph (e) of paragraph (5), after “parental leave payments” insert “, shared parental leave payments”.

Part 4

Amendment of the National Health Service Pension Scheme Regulations 2015

General

58. The National Health Service Pension Scheme Regulations 2015(a) are amended as follows.

Amendment of regulation 21

59. In sub-paragraph (e) of paragraph (1) of regulation 21 (absence from work), after “leave” insert “or shared parental leave”.

Amendment of regulation 28

60. In sub-paragraph (e) of paragraph (1) of regulation 28 (pensionable earnings: break in service), after “leave” insert “or shared parental leave”.

Amendment of regulation 37

61. In sub-paragraphs (c) and (d) of paragraph (1) of regulation 37 (members’ contributions: records and estimates), after “regulation 33” insert “, 34 or 35”.

Amendment of regulation 40

62. In sub-paragraph (a) of paragraph (2) of regulation 40 (eligibility for refund), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

Amendment of regulation 41

63.—(1) Regulation 41 (amount of refund) is amended as follows.

(2) In sub-paragraph (a) of paragraph (1), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

(a) S.I. 2015/94.

(3) In sub-paragraph (b) of paragraph (6), for “Chapter 5 of Part 4” substitute “Chapter 2 of Part 4ZA”.

Amendment of regulation 63

64. For paragraph (2) of regulation 63 (repayment of lump sum contribution), substitute—

“(2) The lump sum contribution must be repaid to—

- (a) M where, before the end of the refund period, an ill-health pension becomes payable to M;
- (b) M’s personal representatives where, before the end of the refund period, M dies.”.

Amendment of regulation 68

65. In sub-paragraph (e) of paragraph (1) of regulation 68 (effect of being absent or leaving and rejoining scheme during contributions payment period), after “leave” insert “or shared parental leave; or”.

Amendment of regulation 94

66. In sub-paragraph (c)(i) of paragraph (2) of regulation 94 (early retirement on ill-health (deferred members)), for “paragraph (1)(b)” substitute “paragraph (1)”.

Amendment of regulation 110

67. In sub-paragraph (c) of paragraph (10) of regulation 110 (guaranteed minimum pension etc.), for “regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996” substitute “regulation 25 of the Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015”(a).

Amendment of regulation 115

68. For sub-paragraph (b) of paragraph (8) of regulation 115 (amount of pension: survivor of active member), substitute—

“(b) sub-paragraph (a) does not apply if—

- (i) the Secretary of State’s liability to provide guaranteed minimum pension in respect of the surviving adult dependent is discharged by the payment of a contributions equivalent premium under section 55(2) of the 1993 Act, or
- (ii) a surviving widow, widower or surviving civil partner has been convicted of an offence specified in paragraph 12 of Schedule 3(b) and the Secretary of State directed, as a consequence of that conviction, that the person’s rights to a payment in respect of the member’s death is forfeit.”.

Amendment of regulation 118

69.—(1) Regulation 118 (recent leavers) is amended as follows.

(2) In paragraph (2), for “recent leaver’s” substitute “surviving spouse’s or surviving civil partner’s”.

(3) For paragraph (3), substitute—

“(3) Paragraph (2) does not apply if—

(a) S.I. 2015/1677. Regulation 25 deals with the payment of a lump sum instead of a pension.
(b) Paragraph 12 of Schedule 3 is concerned with the forfeiture of rights to benefits.

- (a) the Secretary of State’s liability to a provide guaranteed minimum pension in respect of the surviving spouse or civil partner is discharged by the payment of a contributions equivalent premium under section 55(2) of the 1993 Act, or
- (b) a surviving widow, widower or surviving civil partner has been convicted of an offence specified in paragraph 12 of Schedule 3(a) and the Secretary of State directed, as a consequence of that conviction, that the person’s rights to a payment in respect of the member’s death is forfeit.”.

Amendment of regulation 124

70. In sub-paragraph (b) of paragraph (3) of regulation 124 (amount of child pension: deceased pensioner member), for “A is the deceased’s annual pension;” substitute “A is the deceased’s annual pension not including any Tier 2 addition determined in accordance with regulation 92(3);”.

Amendment of regulation 125

71. In sub-paragraph (b) of paragraph (1) of regulation 125 (amount of child pension: deceased deferred member), omit “an active member or”.

Amendment of regulation 131

72. In paragraph (1) of regulation 131 (application of Part)—
- (a) in sub-paragraph (a), for “Chapter 4 of Part 4 of the 1993 Act (transfer values)” substitute “Chapter 1 of Part 4ZA of the 1993 Act (transfer rights: general)”;
 - (b) in sub-paragraph (b), for “Chapter 5” substitute “Chapter 2”.

Amendment of regulation 132

73. In regulation 132 (interpretation of Part), for paragraph (b) of the definition of “transfer value payment” substitute—

“(b) the payment of a transfer value under Chapter 1 of Part 4ZA of the 1993 Act.”.

Amendment of regulation 134

- 74.—(1) Regulation 134 (right to transfer value payment) is amended as follows.
- (2) In paragraph (2), for “Chapter 4 of Part 4” substitute “Chapter 1 of Part 4ZA”.
 - (3) In paragraph (3), for “Chapter 5” substitute “Chapter 2”.

Amendment of regulation 138

- 75.—(1) Regulation 138 (how transfer value payments may be applied) is amended as follows.
- (2) For paragraph (1) substitute—

“(1) A deferred member (DM) may require the scheme manager to apply the guaranteed cash equivalent transfer value payment only in one of the ways permitted under section 95 of the 1993 Act.”.
 - (3) In paragraph (2), for “M” substitute “a member”.
 - (4) In paragraph (4), for “M’s” (twice) substitute “DM’s”.
 - (5) After paragraph (5), add—

(a) Paragraph 12 of Schedule 3 is concerned with the forfeiture of rights to benefits.

“(6) Paragraph (1) applies whether or not DM is entitled to a guaranteed cash equivalent transfer value payment under Chapter 1 of Part 4ZA of the 1993 Act.”.

Amendment of regulation 141

76. In paragraph (5) of regulation 141 (right to apply for acceptance of a transfer value payment), for “(extinguishment of liability of scheme for pension secured by insurance policies or annuity contracts)” substitute “(discharge of liability where guaranteed minimum pension secured by insurance policies or annuity contracts)”.

Amendment of regulation 151

77. In sub-paragraph (g) of paragraph (3) of regulation 151 (application for employing authority status), for “employment” substitute “employing”.

Amendment of regulation 152

78.—(1) Regulation 152 (grant of employing authority status) is amended as follows.

(2) In paragraph (1), for “employment” substitute “employing”.

(3) For paragraph (2) substitute—

“(2) An approval application may nominate a date from which approval by the Secretary of State (if granted) is to have effect.

(3) Where paragraph (2) applies and—

- (a) the Secretary of State is satisfied that the Independent Provider will satisfy the conditions in paragraph (3) of regulation 151 at the nominated date,
- (b) the Secretary of State accepts the nominated date for approval purposes, and
- (c) the nominated date is later than the date on which the Secretary of State approves the application,

approval takes effect from the nominated date.

(4) Where paragraph (2) applies and—

- (a) the Secretary of State is satisfied that the Independent Provider did satisfy the conditions in paragraph (3) of regulation 151 at the nominated date,
- (b) the Secretary of State accepts the nominated date for approval purposes,
- (c) the nominated date is earlier than the date on which the Secretary of State approves the application, and
- (d) the Secretary of State has received the contributions referred to in paragraphs (iv) and (v) of paragraph (3) of regulation 151,

approval takes effect from the nominated date.

(5) Where an approval application—

- (a) does not include a nominated date, or
- (b) does include a nominated date which the Secretary of State does not accept for approval purposes,

approval takes effect from the date that it is granted by the Secretary of State.”.

Amendment of regulation 154

79. Paragraph (3) of regulation 154 (IP guarantees) is amended as follows—

- (a) in sub-paragraph (a), for “an independent provider” substitute “that independent provider”;
- (b) in sub-paragraph (b), after “this Part” insert “that independent provider”.

Amendment of regulation 157

80. After sub-paragraph (a) of paragraph (4) of regulation 157 (pension returns), insert—

“(ab) a complete list of such of the contracts referred to in paragraph (a) which the Independent Provider has sub-contracted by way of NHS standard sub-contract to a third party: that list must also specify the total gross amounts of such sub-contracts and identify the third party in question;”.

Amendment of Schedule 3

81.—(1) Schedule 3 (claims for benefits) is amended as follows.

(2) In paragraph (a) of sub-paragraph (2) of paragraph 6, after “requirements” insert “mentioned in section 9(2) of the 1993 Act”.

(3) In sub-paragraph (6) of paragraph 12, after “sub-paragraph (2)(b)” insert “or if paragraph (4) applies”.

Amendment of Schedule 4

82. For sub-paragraph (6) of paragraph 1 of Schedule 4 (opting out and re-joining), substitute—

“(6) If the person gives a notice mentioned in sub-paragraph (1), the notice must relate to all of the employments or engagements to which group D applies.

(7) Sub-paragraph (8) applies if a person—

(a) belongs, or would belong, to groups A, B or C in regulation 27(1); and

(b) has more than one employment to which those groups apply.

(8) Subject to regulation 29, the person may give a notice as mentioned in sub-paragraph (1) in respect of any, or all, of the employments to which groups A, B or C apply.”.

Amendment of Schedule 9

83. In paragraph 15(a) of Schedule 9 (pension accounts) for “(see regulation 45(6))” substitute “(see regulation 45(4) and (5))”.

Amendment of Schedule 10

84.—(1) Schedule 10 (practitioner income) is amended as follows.

(2) In paragraph 1—

(a) in paragraph (ii) of the definition of “BP” after “parental leave” “, shared parental leave”;

(b) in paragraph (ii) of the definition of “NRBP” after “parental leave” “, shared parental leave”;

(c) after the definition of “NHS standard contract”, insert—

““NHS standard sub-contract” means a sub-contract that complies with the Department of Health guidance “NHS Standard Sub-Contract for the Provision of Clinical Services 2015/16;”(b).

(3) In paragraph (k) of sub-paragraph (2) of paragraph 2, after “NHS standard contract” insert “or NHS standard sub-contract where the party to the NHS standard contract in question is an employing authority”.

(4) In sub-paragraph (3) of paragraph 7—

(a) Paragraph 15 is concerned with actuarial reduction of a buy-out.

(b) Electronic copies of the guidance can be obtained from www.gov.uk/dh. Hard copies may be obtained from Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

- (a) in paragraph (h), after “NHS standard contract” insert “, or NHS standard sub-contract where the party to the NHS standard contract in question is an employing authority”;
- (b) omit paragraph (i).

Amendment of Schedule 12

85. In sub-paragraph (4)(c) and sub-paragraph (5)(e) of paragraph 4 (dentists) of Schedule 12 (practitioner contribution payments), after “parental leave payments” insert “, shared parental leave payments”.

Amendment of Schedule 15

86. In the table in Schedule 15 (definitions)—

- (a) In the definition of “practice staff” after “it provides” insert “including those it provides pursuant to an NHS standard contract and an NHS standard sub-contract”;
- (b) at the appropriate place in the alphabetical order insert—

“shared parental leave	the meaning given in regulation 3(1) of the Shared Parental Leave Regulations 2014”.
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Part 5

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

General

87. The National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations(a) are amended as follows.

Amendment of regulation 5

88. In regulation 5 (nominations, notices and declarations)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (b), for “2015 Scheme” substitute “new scheme”;
 - (ii) in the heading to column 2 of the table, for “2015 Scheme” substitute “new scheme”;
- (b) in paragraph (2), for “2015 Scheme” substitute “new scheme”.

New regulation 10A

89. After regulation 10 (disqualifying breaks in service), insert—

“Effect of recommencing service after break

10A.—(1) Paragraph (2) applies where—

- (a) on the date a person becomes eligible to join the new scheme, that person is absent from work because of illness or injury and that person’s earnings have ceased either—
 - (i) in the circumstances described in regulation P1 of the 1995 Regulations, or

(a) S.I. 2015/95.

- (ii) in the circumstances described in regulations 2.A.9(7), or 3.A.8(4) of the 2008 Regulations, and
- (b) on the date the person’s employment is terminated or the person dies (“the relevant date”)—
 - (i) that person’s earnings have not recommenced, and
 - (ii) for the purposes of the new scheme that person’s pensionable earnings are zero.
- (2) Where paragraph (1) is satisfied, if the earnings of a person referred to in that paragraph had recommenced at the relevant date the scheme manager may determine that the person would have become entitled to either—
 - (a) the benefit set out at paragraph (4)(b) of regulation 28 (ill health benefits: members below normal pension age) where that person’s employment is terminated, or
 - (b) one or more of the benefits set out at regulation 40 (death in service) where that person dies.
- (3) Where the scheme manager does so determine, for the purpose of calculating the benefits referred to in paragraph (2)—
 - (a) the person is treated as if they were in pensionable service on their last day of NHS employment, and
 - (b) contributions in respect of that day are deemed to have been paid.”.

Amendment of regulation 13

90. In sub-paragraphs (a)(ii) and (b)(ii) of paragraph (1) of regulation 13 (taper protection for contribution tiering), for “2015 Scheme” substitute “new scheme”.

Amendment of regulation 27

91. In sub-paragraph (a)(i)(bb) of paragraph (1) of regulation 27 (ill-health benefits: continuity of existing applications), for “(8V)” substitute “(8U)”.

Amendment of regulation 31

92. Paragraph (3) of regulation 31 (partial retirement) is amended as follows.

- (1) In sub-paragraph (a), after “the option day” omit “and”.
- (2) After sub-paragraph (b), add—
 - “; and
 - (c) taken together with any increase to which the member has become entitled as a result of the option or election, the aggregate of the member’s pension under the 2008 Regulations and the 2015 Regulations is not less than 0.05% of the member’s lifetime allowance on the option day.”.

Amendment of regulation 40

- 93.—**(1) The table in paragraph (1) of regulation 40 (death in service) is amended as follows.
- (2) In column 2, for “2015 Scheme” (eight times) substitute “new scheme”.
- (3) In Part 2(a) of that table, adjacent to the entry in column 1 referring to an original entitlement to a pension under regulation 2.E.12(3)(a), in column 2 for “37.5% of the pension” substitute “the appropriate proportion”.

(a) Part 2 of the table is concerned with entitlement derived from the 2008 Section as set out in S.I. 2008/653.

PART 6

Amendment of the National Health Service (Injury Benefits) Regulations 1995

Part 6: General

94. The National Health Service (Injury Benefits) Regulations 1995(a) are amended in accordance with this Part.

Amendment of regulation 2C

95. In paragraph (5) of regulation 2C (meaning of “average remuneration”), after “who is” insert “not”.

Amendment of regulation 4

96.—(1) Regulation 4 (scale of benefits) is amended as follows.

(2) In sub-paragraph (b) of paragraph (6)—

(a) in paragraph (vi), after “ended” insert “: this is subject to paragraph (6A);”;

(b) after paragraph (vii), add—

“(viii) universal credit payable under Part 1 of the Welfare Reform Act 2012(b).”.

(3) After paragraph (6), insert—

“(6A) Where immediately prior to receiving employment and support allowance referred to in paragraph (vi) of sub-paragraph (b) of paragraph (6) of this regulation, a person was in receipt of any benefit referred to in that sub-paragraph, the rate of employment and support allowance taken into account for the purpose of calculating a benefit in accordance with this regulation shall be the rate of benefit taken into account for that purpose immediately before that person received employment and support allowance.”.

PART 7

Amendment of the National Health Service (Additional Voluntary Contributions) Regulations 2000

Part 7: General

97. The National Health Service (Additional Voluntary Contributions) Regulations 2000(c) are amended in accordance with this Part.

Amendment of regulation 11

98. In regulation 11 (retirement and dependant’s benefits)—

(a) in paragraph (1), after sub-paragraph (d) add—

“(e) a lifetime allowance excess lump sum referred to in section 166(1)(g) of the 2004 Act(d).”;

(b) in paragraph (11), omit “, subject to any limit imposed by regulation 13.”.

(a) S.I. 1995/866.

(b) c. 5.

(c) S.I. 2000/619.

(d) Section 166(1) of the Finance Act 2004 (c. 12) provides for the “lump sum rule”. Under that rule, no lump sum may be paid by a registered pension scheme to a member unless it is a lump sum specified in paragraphs (a) to (h) of section 166(1)..

Omission of regulation 13

99. Omit regulation 13.

PART 8

Miscellaneous

Option to persons detrimentally affected by these Regulations

100.—(1) — This regulation applies in relation to any benefit which is being paid or may become payable under the regulations amended by these Regulations to or in respect of a person who, having served in an employment or office, service in which qualified the person to participate in the benefits provided under the regulations amended by these Regulations, ceased to serve therein before these Regulations came into force.

(2) Where, in a case to which this regulation applies, any provision of these Regulations would operate in relation to any person so as to place that person in a worse position than that person would have been if that provision had not applied, that person may elect that the provision shall not apply by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) shall be in writing and shall be delivered to the Secretary of State within six months of the coming into force of these Regulations or such longer period as the Secretary of State may allow.

(4) An election pursuant to paragraph (2) shall have effect in relation to the benefit referred to in paragraph (1) only to the extent that such benefit has accrued by virtue of periods of service rendered prior to the cessation referred to in paragraph (1) (or, if there has been more than one such cessation, the last of them before the coming into force of these Regulations) and in determining entitlement to, and the amount of, the benefit to that extent, such person shall be treated as if that person had never recommenced service at any time after that cessation (or, as the case may be, the last such cessation).

Signed by authority of the Secretary of State for Health

Name
Parliamentary Under-Secretary of State
Department of Health

We consent

Name
Name

Date

Two of the Lords Commissioners of Her Majesty's Treasury