
 STATUTORY INSTRUMENTS

2014 No. 0000

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The National Health Service Pension Scheme, Additional
Voluntary Contributions, Compensation for Premature
Retirement and Injury Benefits (Amendment) Regulations 2014**

Made - - - - 2014
Laid before Parliament 2014
Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State, with the consent of the Treasury, makes the following Regulations in exercise of the powers conferred by sections 10(1) to (3A), 12(1) and (2) and 24(1), (3) and (4) of, and Schedule 3 to, the Superannuation Act 1972(a).

In accordance with section 10(4) of that Act, the Secretary of State has consulted with representatives of persons likely to be affected by these Regulations, as appeared to the Secretary of State to be appropriate.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the National Health Service Pension Scheme, Additional Voluntary Contributions, Compensation for Premature Retirement and Injury Benefits (Amendment) Regulations 2014.

(2) Subject to paragraph (3), these Regulations come into force on ***.

(3) This regulation and regulations 9 and 10 come into force on 10th February 2014.

(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) (“the 1990 Act”). Sections 10(2A) and (3A) were inserted by sections 4(2) and 8(5) of the 1990 Act. Section 12(2) was amended by section 10(1) of the 1990 Act. As to Treasury consent, see section 10(1) of the Superannuation Act 1972 and article 2 of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).

PART 2

Amendment of the National Health Service Pension Scheme Regulations 1995

Part 2: General

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

Amendment of Regulation A2

3.—(1) Regulation A2 (interpretation) is amended as follows.

(2) At the appropriate place in the alphabetical order, insert—

““civil partner” and “civil partnership” shall be construed in accordance with regulation A4;”;

““marriage” and “married” does not include a reference to marriage of a same sex couple unless otherwise provided;”

““widow” and “widower” does not include a reference to marriage of a same sex couple;”.

Insertion of Regulation A4

4. After regulation A3 (approved out of hours providers), insert—

“A4 Civil partnerships and marriage of same sex couples

(1) In these regulations, except as provided in paragraph (5), a reference to—

(a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership shall be construed accordingly;

(b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) In the Marriage (Same Sex Couples) Act 2013—

(a) section 11(1) and (2) has effect subject to paragraphs (1) to (3);

(b) Schedule 3 does not apply to the interpretation of these Regulations.

(5) In this regulation—

“civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004(b).”.

(a) S.I. 1995/300, as amended by as amended by S.I. 1997/80 and 1888, 1998/666 and 2216, 2000/605, 2001/1428 and 3649, 2002/561 and 2469, 2003/631 and 2322, 2004/665 and 696, 2005/661 and 3074, 2006/600 and 2919, 2007/2054 and 3280, 2008/654 and 2263, 2009/381, 1298 and 2466, 2010/492 and 1634, 2011/591 and 2586, 2012/610, 2013/413 and 1414 and as modified by S.I. 1996/971.

(b) 2004 c.33.

Amendment of Regulation G9

- 5.—(1) Regulation G9 (increased widower’s pension) is amended as follows.
- (2) In paragraph (5)(a), omit sub-paragraph (a).

Amendment of regulation G13

- 6.—(1) Regulation G13 (increased surviving civil partner’s pension) is amended as follows.
- (2) In paragraph (6)(b), omit sub-paragraph (a).

Amendment of regulation G16

- 7.—(1) Regulation G16 (purchase of surviving partner’s pension in respect of service before 6th April 1988)(c) is amended as follows.
- (2) In paragraph (3) for sub-paragraph (a), substitute—
- “(a) must be made either—
- (i) during the period beginning on 1st April 2008 and ending on 30th June 2009;
or
- (ii) during the period beginning on *** and ending on 31st March 2015;”.

Amendment of regulation G17

- 8.—(1) Regulation G17 (increased surviving partner’s pension)(d) is amended as follows.
- (2) In paragraph (1), for “If a member elects on or before 30th June 2009” substitute “If a member makes a valid election pursuant to regulation G16(3)(a)”.
- (3) In paragraph (5), for “no later than 30th June 2009” substitute “during either of the periods specified in regulation G16(3)(a)”.

PART 3

Amendment of the National Health Service Pension Scheme Regulations 2008

Part 3: General

9. The National Health Service Pension Scheme Regulations 2008(e) are amended in accordance with this Part.

Amendment of Regulation 1.B.1

- 10.—(1) Regulation 1.B.1 (actuarial reports and accounts) is amended as follows.
- (2) After paragraph (3)(f), insert—
- “(3A) The Scheme actuary shall prepare an actuarial report of the scheme at the 31st March 2012.
- (3B) The Scheme actuary shall send a copy of the actuarial report of the scheme to the Secretary of State and the Treasury.

(a) Paragraph 5 was inserted by S.I. 2008/654.
(b) Paragraph 6 was inserted by S.I. 2008/654.
(c) Regulation G16 was inserted by S.I. 2008/654.
(d) Regulation G17 was inserted by S.I. 2008/654.
(e) S.I. 2008/653, as amended by S.I. 2008/2263, 2009/381, 1298 and 2466, 2010/492 and 1634, 2011/591 and 2586, 2012/610 and 2013/413 and 1414.
(f) Paragraphs (4) to (6) were revoked by regulations 22 and 23 of S.I. 2013/413. Paragraphs (5) and (6) were originally inserted by regulations 8 and 9(1) and (3) of S.I. 2010/1634.

(3C) Where the Secretary of State indicates to the Scheme Actuary that the actuarial report referred to in paragraph (4) is also to be used for the purposes of establishing a scheme under section 1 of the Public Service Pensions Act 2013 (“the proposed scheme”), the Scheme Actuary shall prepare the report taking account of any Directions issued from time to time pursuant to sections 11(2) and 12(3) of that Act (including any specific requirements in those Directions relating to a preliminary valuation undertaken for the purposes of setting the employer cost cap for the proposed scheme).”.

Amendment of Regulation 2.A.1

11.—(1) Regulation 2.A.1 (interpretation: general) is amended as follows.

(2) At the appropriate place in the alphabetical order, insert—

““civil partner” and “civil partnership” shall be construed in accordance with regulation 2.A.1A;”;

““marriage” and “married” does not include a reference to marriage of a same sex couple unless otherwise provided;”;

““widow” and “widower” does not include a reference to marriage of a same sex couple;”.

Insertion of Regulation 2.A.1A

12. After regulation 2.A.1 (interpretation: general), insert—

“2.A.1A Civil partnerships and marriage of same sex couples

(1) In this Part, except as provided in paragraph (5), a reference to—

(a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership shall be construed accordingly;

(b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) In the Marriage (Same Sex Couples) Act 2013—

(a) section 11(1) and (2) has effect subject to paragraphs (1) to (3);

(b) Schedule 3 does not apply to the interpretation of this Part.

(5) In this regulation—

“civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004(a).”.

Amendment of regulation 2.F.10

13.—(1) Regulation 2.F.10 (acceptance of transfer value payments) is amended as follows.

(2) In paragraph (5), omit “or the member’s spouse’s”.

(a) 2004 c.33.

Amendment of Regulation 3.A.1

- 14.**—(1) Regulation 3.A.1 (interpretation of Part 3: general) is amended as follows.
- (2) At the appropriate place in the alphabetical order, insert—
- ““civil partner” and “civil partnership” shall be construed in accordance with regulation 3.A.1A;”;
 - ““marriage” and “married” does not include a reference to marriage of a same sex couple unless otherwise provided;”
 - ““widow” and “widower” does not include a reference to marriage of a same sex couple;”.

Insertion of Regulation 3.A.1A

- 15.** After regulation 3.A.1 (interpretation of Part 3: general), insert—

“3.A.1A Civil partnerships and marriage of same sex couples

- (1) In this Part, except as provided in paragraph (5), a reference to—
- (a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership shall be construed accordingly;
 - (b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.
- (2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.
- (3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.
- (4) In the Marriage (Same Sex Couples) Act 2013—
- (a) section 11(1) and (2) has effect subject to paragraphs (1) to (3);
 - (b) Schedule 3 does not apply to the interpretation of this Part.
- (5) In this regulation—
- “civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004.”.

Amendment of regulation 3.F.10

- 16.**—(1) Regulation 3.F.10 (acceptance of transfer value payments)(a) is amended as follows.
- (2) In paragraph (10), omit “or the member’s spouse’s”.

(a) Regulation 3.F.10 was substituted by S.I. 2009/2446.

PART 4

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

Part 4: General

17. The National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000(a) are amended in accordance with this Part.

Amendment of Regulation 2

18.—(1) Regulation 2 (interpretation) is amended as follows.

(2) At the appropriate place in the alphabetical order, insert—

““civil partner” and “civil partnership” shall be construed in accordance with regulation 2A;”;

““marriage” does not include a reference to marriage of a same sex couple in accordance unless otherwise provided;”;

““widow” and “widower” does not include a reference to marriage of a same sex couple;”.

Insertion of Regulation 2A

19. After regulation 2 (interpretation), insert—

“Civil partnerships and marriage of same sex couples

2A.—(1) In these regulations, except as provided in paragraph (5), a reference to—

(a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership shall be construed accordingly;

(b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) In the Marriage (Same Sex Couples) Act 2013—

(a) section 11(1) and (2) has effect subject to paragraphs (1) to (3);

(b) Schedule 3 does not apply to the interpretation of these Regulations.

(5) In this regulation—

“civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004(b).”.

(a) S.I. 2000/619 as amended by S.I. 2001/1428 and 3649, 2002/610, 2005/3074, 2006/600, 2007/3280, 2008/655, 2009/2446, 2010/492, 2011/2586, 2013/413 and 472.

(b) 2004 c.33.

Amendment of Regulation 15

- 20.—(1) Regulation 15 (payments by the Secretary of State) is amended as follows.
- (2) In paragraph (3)(b)(ii), after “spouse”, insert “, nominated partner or civil partner”.

PART 5

Amendment of the National Health Service (Compensation for Premature Retirement) Regulations 2002

Part 5: General

21. The National Health Service (Compensation for Premature Retirement) Regulations 2002(a) are amended in accordance with this Part.

Amendment of Regulation 2

- 22.—(1) Regulation 2 (interpretation) is amended as follows.
- (2) At the appropriate place in the alphabetical order, insert—
- ““civil partner” and “civil partnership” shall be construed in accordance with regulation 2A;”;
- ““widow” and “widower” does not include a reference to marriage of a same sex couple;”.

Insertion of Regulation 2A

23. After regulation 2 (interpretation), insert—

“Civil partnerships and marriage of same sex couples

- 2A.—(1) In these regulations, except as provided in paragraph (5), a reference to—
- (a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership shall be construed accordingly;
- (b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.
- (2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.
- (3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.
- (4) In the Marriage (Same Sex Couples) Act 2013—
- (a) section 11(1) and (2) has effect subject to paragraphs (1) to (3);
- (b) Schedule 3 does not apply to the interpretation of these Regulations.
- (5) In this regulation—
- “civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004.”.

(a) S.I. 2002/1311 as amended by S.I. 2002/2469, 2003/631, 2004/696, 2005/3074, 2006/2919, 2007/3280, 2008/655.

PART 6

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

Part 6: General

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

Amendment of Regulation 2

25.—(1) Regulation 2 (interpretation) is amended as follows.

(2) At the appropriate place in the alphabetical order, insert—

““civil partner” and “civil partnership” shall be construed in accordance with regulation 2A;”;

““marriage” and “married” does not include a reference to marriage of a same sex couple unless otherwise provided;”;

““widow” and “widower” does not include a reference to marriage of a same sex couple;”.

Insertion of Regulation 2A

26. After regulation 2 (interpretation), insert—

“Civil partnerships and marriage of same sex couples

2A.—(1) In these regulations, except as provided in paragraph (5), a reference to—

(a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership shall be construed accordingly;

(b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) In the Marriage (Same Sex Couples) Act 2013—

(a) section 11(1) and (2) has effect subject to paragraphs (1) to (3);

(b) Schedule 3 does not apply to the interpretation of these Regulations.

(5) In this regulation—

“civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004.”.

Signed by authority of the Secretary of State for Health.

(a) S.I. 1995/866 as amended by S.I. 1997/646, 1998/667 and 2217, 2000/606, 2002/2469, 2003/631, 2004/665, 696, 865 and 1016, 2005/661, 2011 and 3074, 2006/600, 2007/3280, 2008/655 and 2263, 2009/381 and 2446, 2010/492, 2011/2586, 2012/610, 2013/413.

Date Parliamentary Under-Secretary of State
Department of Health
Name

We consent

Date Two of the Lords Commissioners of Her Majesty's Treasury
Name
Name

EXPLANATORY NOTE

(This note is not part of the Regulations)