

**2022 No.**

**PUBLIC SERVICE PENSIONS, ENGLAND AND WALES**

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The National Health Service Pension Scheme (Temporary Modifications) Regulations 2022**

*Made* - - - - **\*\*\***

*Laid before Parliament* **\*\*\***

*Coming into force in accordance with regulation 1*

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(a) (“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(b) (“2013 Act”).

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

In accordance with section 10(4) of the 1972 Act and section 21(1) of the 2013 Act(d), 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.

**PART 1**

**Introduction**

**Citation, commencement and extent**

**1.—(1)** These Regulations may be cited as the National Health Service Pension Scheme (Temporary Modifications) Regulations 2022.

- 
- (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.
- (b) 2013 c.25. Section 3(1) and (2) was amended by section [79(2) to (4)] of the Public Service Pensions and Judicial Offices Act 2022 [(c.\*\*)].
- (c) The functions of the Minister for the Civil Service under section 10 were transferred to the Treasury by article 2 of S.I. 1981/1670.
- (d) The Secretary of State has published a statement pursuant to section 21(2) of the Public Service Pensions Act 2013 indicating the persons the Secretary of State would normally expect to consult under section 21(1) of that Act. An up-to-date version of that list may be found at [www.gov.uk/government/publications/nhs-pension-scheme-consultee-list](http://www.gov.uk/government/publications/nhs-pension-scheme-consultee-list) or by writing to the Department of Health and Social Care, Quarry House, Quarry Hill, Leeds, West Yorkshire, LS2 7UE.

(2) These Regulations come into force immediately after the expiry of section 45 of the Coronavirus Act 2020(a).

(3) These Regulations extend to England and Wales.

## PART 2

### Modifications of restrictions on return to work

#### Duration of modifications in this Part

2. The modifications in this Part apply until the end of 31st October 2022.

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

3. The National Health Service Pension Scheme Regulations 1995(b) have effect as if—
- (a) regulation S1 (suspension of pension on return to NHS employment) were omitted; and
  - (b) in the opening words of regulation S2(3) (reduction of pension on return to NHS employment) the words “or (c)” were omitted.

#### Modifications of the National Health Service Pension Scheme Regulations 2008

4. The National Health Service Pension Scheme Regulations 2008(c) have effect as if the following regulations were omitted—
- (a) regulation 2.D.6(2)(a) (abatement of pension following increase in pensionable pay); and
  - (b) regulation 3.D.6(2) (a) (abatement of pension following increase in engagement in employment).

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

5. The National Health Service Pension Scheme Regulations 2015(d) have effect as if regulation 86(3) (abatement of pension following continuation of employment) were omitted.

Date \_\_\_\_\_ *Name*  
Minister of State  
Department of Health and Social Care

We consent

Date \_\_\_\_\_ *Name*  
Two of the Lords Commissioners of Her Majesty’s Treasury

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

---

(a) 2020 c.7.  
(b) S.I. 1995/300.  
(c) S.I. 2008/653.  
(d) S.I. 2015/94.