

*This Statutory Instrument has been made partly to correct errors in S.I. 2022/327 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2022 No. \*\*\***

**PUBLIC SERVICE PENSIONS, ENGLAND AND WALES**

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The National Health Service Pension Schemes (Member Contributions etc.) (Amendment) (No. 2) Regulations 2022**

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

*Laid before Parliament* \*\*\*

*Coming into force* 30th September 2022

The Secretary of State for Health and Social Care makes the following Regulations in exercise of the powers conferred by 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(a) (“the 2013 Act”).

In relation to Part 1, as applicable, and Part 2, 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 with a view to reaching agreement with them, in accordance with section 22(2)(a) of the 2013 Act.

In accordance with section 22(2)(b) of the 2013 Act, the Secretary of State has laid a report before Parliament(b) in relation to Part 1, as applicable, and Part 2.

In relation to Part 1, as applicable, and Part 3, 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 21(1) of the 2013 Act(c).

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- (a) 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) (“the 2022 Act”).
- (b) A copy of the report laid pursuant to section 22(2)(b) may be obtained by writing to the NHS Pensions Policy Team, Department of Health and Social Care, Area 2NE Quarry House, Quarry Hill, Leeds, West Yorkshire LS2 7UE.
- (c) Section 21 has been amended by section 94(8) of the 2022 Act. The Secretary of State has published a statement pursuant to section 21(2) of the 2013 Act 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 obtained by writing to the NHS Pensions Policy Team, Department of Health and Social Care, Area 2NE Quarry House, Quarry Hill, Leeds, West Yorkshire, LS2 7UE.

In accordance with section 3(5) of the 2013 Act, 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 Schemes (Member Contributions etc.) (Amendment) (No. 2) Regulations 2022.

(2) These Regulations come into force on 30th September 2022.

(3) Regulation 5 has effect from 1st April 2022.

(4) These Regulations extend to England and Wales.

## PART 2

### Amendment of the National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022

#### General

2. The National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022(a) are amended in accordance with this Part.

#### Amendment of regulation 3

3.—(1) Regulation 3 (amendment of regulation 30 of the National Health Service Pension Scheme Regulations 2015(b) - members' contributions: employees) is amended as follows.

(2) In paragraph (3) (insertion of paragraph (3A)), for the table substitute—

#### “Table Scheme Year 2022/23

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,231	5.1%
£13,232 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%
£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%”.

(a) S.I. 2022/273.

(b) S.I. 2015/94; relevant amending instruments are S.I. 2019/418, 2022/273. The amendments made by Part 2 of S.I. 2022/273 will come into force on 1st October 2022.

#### Amendment of regulation 4

4.—(1) Regulation 4 (amendment of regulation 31 of the National Health Service Pension Scheme Regulations 2015 - members' contributions: practitioners and non-GP providers) is amended as follows.

(2) In paragraph (4) (substitution of paragraph (9)), for Table 2 substitute—

**“Table 2 Scheme Year 2022/23**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,231	5.1%
£13,232 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%
£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%”.

### PART 3

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

#### Amendment of Schedule 1

5.—(1) The National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015<sup>(a)</sup> are amended as follows.

(2) In Schedule 1 (eligibility of pensioners), in paragraph 2 (eligibility of 2008 Section pensioners to join new scheme), at the end of the table insert—

“7	a tier 2 ill-health pensioner— (a) who returns to NHS employment and the first anniversary of that return is on or after 1st April 2022; (b) to whom regulation 2.G.4(5)(b) or 3.G.4(5)(b) of the 2008 Regulations applies; and (c) on the first anniversary of the return to NHS employment that person is not eligible to re-join the 2008 Section pursuant to regulation 2.B.2(A1) or 3.B.2(A1) of the 2008 Regulations.	eligible to be an active member of the new scheme on the first day on or after the first anniversary of return to NHS employment 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.”.
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(a) S.I. 2015/95, amended by 2022/327; there are other amending instruments but none is relevant.

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

[Date] [Name]  
[Title]  
Department of Health and Social Care

We consent

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

### **EXPLANATORY NOTE**

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

These Regulations amend the National Health Service Pension Schemes (Member Contributions etc.) (Amendment) Regulations 2022 (S.I. 2022/273) (“the Member Contributions Regulations”) and the National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015 (S.I. 2015/95) (“the Transitional Regulations”).

Part 2 amends the Member Contributions Regulations to update the pensionable earnings bands that determine a member's contribution rate in circumstances where that member's pensionable earnings are calculated based on their earnings in the current Scheme year.

Part 3 amends paragraph 2 of Schedule 1 to the Transitional Regulations, which sets out the circumstances when pensioner members of the scheme set out in the National Health Service Pension Scheme Regulations 2008 (S.I. 2008/653) (“the 2008 Section”) become eligible to join the scheme set out in the National Health Service Pension Scheme Regulations 2015 (S.I. 2015/94). The amendment corrects an omission in the National Health Service Pension Schemes (Amendment) Regulations 2022 (S.I. 2022/327) by adding a further group of 2008 Section pensioner members who return to NHS employment following retirement from the 2008 Section on ill-health grounds. Part 3 has retrospective effect from 1st April 2022, which is the date on which S.I. 2022/327 came into force. Section 3(3)(b) of the Public Service Pensions Act 2013 (c. 25) provides that Scheme Regulations may make retrospective provision.