
STATUTORY INSTRUMENTS

2014 No. 78

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

PART 3

Amendment of the National Health Service Pension Scheme Regulations 2008

Part 3: General

9. The National Health Service Pension Scheme Regulations 2008(1) 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)(2), insert—

“(3A) The Scheme actuary must prepare an actuarial report of the scheme at the 31st March 2012.

(3B) The Scheme actuary must send a copy of the actuarial report of the scheme to the Secretary of State and the Treasury.

(3C) Where the Secretary of State indicates to the Scheme actuary that the actuarial report referred to in paragraph (3A) is also to be used for the purposes of establishing a scheme under section 1 of the Public Service Pensions Act 2013(3) (“the proposed new scheme”), the Scheme actuary must prepare the report taking account of any Treasury directions given 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 new scheme).”.

Amendment of regulation 2.A.1

11.—(1) Regulation 2.A.1 (interpretation: general)(4) is amended as follows.

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

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

(1) [S.I. 2008/653](#).

(2) 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](#).

(3) [2013 c.25](#).

(4) Regulation 2.A.1 was amended by [S.I. 2008/2263](#), [2009/381](#) and [2446](#), [2010/234](#) and [492](#), [2012/610](#) and [2013/413](#).

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

““widow” and “widower” do 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 is to 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) The application of the Marriage (Same Sex Couples) Act 2013⁽⁵⁾ in relation to these Regulations is modified so that—

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

(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⁽⁶⁾.”.

Amendment of regulation 2.F.10

13.—(1) Regulation 2.F.10 (acceptance of transfer value payments)⁽⁷⁾ is amended as follows.

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

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” are to be construed in accordance with regulation 3.A.1A;”;

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

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

⁽⁵⁾ 2013 c.30.

⁽⁶⁾ 2004 c.33.

⁽⁷⁾ Regulation 2.F.10 has been amended but the amendments are not relevant to these Regulations.

Insertion of regulation 3.A.1A

15. After regulation 3.A.1 (interpretation of Part 3: general)(8), 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 is to 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) The application of the Marriage (Same Sex Couples) Act 2013(9) in relation to these Regulations is modified so that—

- (a) section 11(1) and (2) has effect subject to paragraphs (1) to (3); and
- (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(10).”.

Amendment of regulation 3.F.10

16.—(1) Regulation 3.F.10 (acceptance of transfer value payments)(11) is amended as follows.

(2) In paragraph (10), omit “or the member’s spouse’s”.

(8) Regulation 3.A.1 was amended by S.I. 2008/2263, 2009/381 and 2446, 2010/234 and 492, 2012/610 and 2013/413.

(9) 2013 c.30.

(10) 2004 c.33.

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