EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE PENSION SCHEME (CORRECTION TO AMENDMENT) REGULATIONS 2008

2008 No. 906

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

The memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This instrument corrects two technical errors identified in The NHS Pension Scheme (Amendment) Regulations 2008 (SI 2008 No 654)

2.2 SI 2008 No 654 was laid before Parliament on 11th March 2008. It introduces changes to the benefits currently provided for existing members of the NHS occupational pension scheme with effect from 1st April 2008.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Department regrets that in order to ensure that The NHS Pension Scheme (Amendment) Regulations 2008 operate correctly from 1st April 2008, it is necessary to lay the corrections contained in this instrument less than 21 days before it will come into force.

4. Legislative Background

4.1 The NHS Pension Scheme (Amendment) Regulations 2008 (SI 2008 No 654) amends the National Health Service Pension Scheme Regulations 1995 (S.I.1995/300) which were made under sections 10, 12 (and schedule 3 to) the Superannuation Act 1972.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As this instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required

7. Policy Background

7.1 The Explanatory Memorandum (EM) accompanying the earlier SI (2008/654) provides information on the background to changes to the NHS Pension Scheme.

Errors corrected by this instrument

7.2 The first error relates to an incorrect reference in the commencement provisions of the 2008 Amending Regulations. Unfortunately, paragraph (2) of Regulation 1 erroneously refers to Regulation 62(2) and (3). This instrument corrects those references to 66(2) and (3) respectively. Regulation 66(2) and (3) deal with pension credit issues retrospectively from 1st April 2003.

7.3 The second error relates to the incorrect numbering of the regulations following Regulation 61 of the 2008 Amending Regulations. Instead of following on chronologically from regulation 61, the next 5 regulations are printed as 1 to 5. This instrument corrects that error so that those regulations are renumbered 62-66 respectively.

Consultation of the draft regulations

7.4 A comprehensive consultation exercise was held on the 2008 Amending Regulations (see EM accompanying SI 2008/654).

7.5 The Department contacted relevant stakeholders on 18 March 2008 to draw urgent attention to the corrections contained in this instrument. No comments have been received.

8. Impact

A full impact assessment has not been produced on this instrument as it has no impact on the costs of business, charities, the voluntary or public sectors.

9. Contact

Mrs Peta Cowan at the Department of Health Pensions Policy Team, Tel: 01253 774921 or e-mail Peta.Cowan@dh.gsi.gov.uk can answer any queries regarding the instrument.