

GENERAL MEDICAL SERVICES (STATEMENT OF FINANCIAL ENTITLEMENTS) AMENDMENT DIRECTIONS 2005

The Secretary of State for Health, in exercise of the powers conferred upon him by section 28T of the National Health Service Act 1977^a, and of all other powers enabling him in that behalf, after consulting in accordance with (and in so far as is required by) section 28T(4) of that Act both with the bodies appearing to him to be representative of persons to whose remuneration these directions relate and with such other persons as he thinks appropriate, gives the directions set out in this instrument.

Citation, commencement and territorial application

1.-(1) These Directions may be cited as the General Medical Services (Statement of Financial Entitlements) Amendment Directions 2005.

(2) These Directions are dated 30th March 2005 but shall have effect as from 1st April 2004.

(3) These Directions apply in relation to England only.

Amendments to the 2004/5 SFE

2.-(1) The directions given by the Secretary of State in the Statement of Financial Entitlements under section 28T of the National Health Service Act 1977 in respect of the financial year 2004 to 2005 are amended as follows.

(2) In paragraph 13.16 (which relates to calculations of Average Adjusted Superannuable Income), for “paragraph 22.10 by [a date still to be fixed] are” substitute “paragraph 21.10 of the 2005/6 SFE, by the required date, are”.

(3) For paragraph 22.3 (which relates to PCTs responsibilities in respect of partner/GPs), substitute the following paragraphs–

“22.3 With effect from 1st April 2004, contractors have also become responsible, as the “employing authority”, for paying to the relevant PCT both the employer’s and employee’s superannuation contributions for–

- (a) non-GP providers; and
- (b) GP performers who are not GP registrars,

^a 1977 c.49; section 28T was inserted by section 171 of, the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

who are members of the NHS Pension Scheme. The relevant PCT must thereafter forward these contributions to the NHS Pensions Agency. The detail of all these arrangements is set out in the NHS Pension Scheme Regulations.

22.3A In this Section–

- (a) non-GP providers and GP Performers who are not GP Registrars together referred to as “partner/GPs”; and
- (b) the “relevant PCT” is the “host trust” for the purposes of the NHS Pension Scheme Regulations.”.

(4) In paragraph 22.4 (which relates to the assumptions when entering into arrangements which give rise to pensionable earnings)–

- (a) in sub-paragraph (a), for “medical services to the NHS, whether or not under its GMS contract,” substitute “services which give rise to pensionable earnings for the purposes of the NHS Pension Scheme Regulations”; and
- (b) in sub-paragraph (b), for “medical services to the NHS” substitute “services which gives rise to pensionable earnings for the purposes of the NHS Pension Scheme Regulations” and after “Provider on the” insert “contractor’s or its”.

(5) In paragraph 22.5 (which relates to the nature of the deductions to be made), for “NHS superannuable profits” to the end of that paragraph substitute “pensionable earnings from all sources – unless superannuated for the purposes of the NHS Pension Scheme elsewhere – are all to be deducted by the relevant PCT from any money the PCT pays, pursuant to this SFE, to the contractor that is the employing authority of the partner/PG.”

(6) In paragraph 22.6(a) (which relate to the monthly deductions), after “the Scheme” add “and whose relevant PCT is the PCT making the deduction”.

(7) For paragraphs 22.9 to 22.12 (which relate to end-year adjustments) substitute the following paragraphs–

“22.9 It is to be determined in accordance with paragraphs 21.9 to 21.12 of the 2005/6 SFE and all the arrangements set out in those paragraphs are to apply.”

(8) In Part 2 of Annex A of the SFE (glossary – definitions)–

- (a) after the definition of “The 2004 Regulations” insert the following definition–

““The 2005/6 SFE” means the directions given by the Secretary of State under section 28T of the 1977 Act which have effect as from 1st April 2005.”;

- (b) omit the definitions of “Non-GP shareholder”, “Non-practising GP partner”, and “Non-practising GP shareholder”;
- (c) for the definition of “non-GP partner” substitute the following definition—

““Non-GP provider” has the same meaning as in the NHS Pension Scheme Regulations.”; and
- (d) for the definition of “partner/GPs” substitute the following definition—

““Partner/GPs is to be construed in accordance with paragraph 22.3A(a).”.

Signed by authority of the Secretary of State for Health



Richard Armstrong
A member of the Senior Civil Service
Department of Health

30 March 2005