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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 224**

**The National Health Service Pension  
Scheme (Scotland) Regulations 2008**

**PART 2**

**BENEFITS FOR OFFICERS**

**CHAPTER 2.E**

**DEATH BENEFITS**

*Pensions for dependent children*

**Amount of children's pension under regulation 2.E.8: deceased deferred members**

**2.E.12.**—(1) This regulation applies for determining the annual amount of the pension payable under regulation 2.E.8(1) (surviving children's pensions) if at the date of death the deceased was a deferred member of the scheme who was not also an active member or a pensioner member.

- (2) That amount is the appropriate fraction of the basic death pension.
- (3) In this regulation "the basic death pension"—
- (a) if the deceased died within 12 months after ceasing to be an active member, means the amount that would be the basic death pension for the purposes of regulation 2.E.10 if the deceased had died on the day of so ceasing (disregarding any additional pension); and
  - (b) otherwise, means the greater of—
    - (i) 75 per cent of the pension to which the deceased would have been entitled if the deceased had become entitled to a pension under regulation 2.D.1 (normal retirement pensions) on the date of death (disregarding any additional pension); and
    - (ii) 75 per cent of the pension to which the deceased would have been entitled if the deceased had become so entitled and the pension had been calculated on the assumption that the member was entitled to 10 years' pensionable service (disregarding any additional pension).
- (4) In this regulation "the appropriate fraction" means—
- (a) if there is a surviving parent of the dependent child or children or a surviving spouse or civil partner of a parent of the dependent child or children and a surviving adult's pension is payable—
    - (i) one-quarter if there is only one dependent child; and
    - (ii) one-half if there are 2 or more dependent children; and
  - (b) otherwise—
    - (i) one-third if there is only one dependent child; and
    - (ii) two-thirds if there are 2 or more dependent children.