
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 94

**The National Health Service Pension
Scheme (Scotland) Regulations 2015**

PART 6

Survivor benefits

CHAPTER 1

Adult survivor

Amount of pension: deferred members

116.—(1) Paragraph (2) applies in the case of a deferred member—

- (a) who left pensionable service less than 12 months before the date of death; and
- (b) whose surviving adult dependant would have been the member's surviving adult dependant if the member had died on the member's last day of pensionable service.

(2) The rate of the pension payable to the surviving adult dependant is equal to 33.75% of the member's notional Upper Tier IHP.

(3) In the case of any other deferred member, the rate of pension payable is 33.75% of the amount of pension the member would have received if, at the date of death, the member had become entitled to a pension under regulation 72—

- (a) disregarding the amount of any additional pension taken into account for the purposes of paragraph 1(d) of Schedule 11; and
- (b) if the member had made an additional pension election under regulation 54(3)(b) (self and survivor), adding 37.5% of that amount.

(4) In paragraph (2), the notional Upper Tier IHP is the amount of pension the member would have received if, on the date the member's pensionable service ceased, the member had become entitled to a pension under regulation 89(1)(b)—

- (a) disregarding the amount of any additional pension taken into account for the purposes regulation 91(1)(c); and
- (b) if the member had made an additional pension election under regulation 54(3)(b) (self and survivor), adding 37.5% of that amount.

(5) In this regulation, "the notional Upper Tier IHP" has the same meaning as in regulation 114(9).