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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 95**

The National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015

PART 2

Transitional provisions

CHAPTER 7

Retirement benefits

**Ill health benefits : members above old scheme normal pension age**

**29.**—(1) This regulation applies in relation to a transition member who is receiving payment of an ill-health pension in accordance with regulation 28.

(2) When the member reaches the old scheme normal pension age—

- (a) the benefits payable under regulation 28 in respect of service in the old scheme cease to be payable under the new scheme;
- (b) the member becomes entitled to the immediate payment of the annual rate of earned pension payable under the old scheme in accordance with the Regulations of the applicable Section; and
- (c) no lump sum is payable to the member under those Regulations.

(3) In calculating the annual rate of earned pension payable under the old scheme for the purposes of paragraph (2)(b), the following are subtracted—

- (a) the amount of pension amount (if any) converted to lump sum under regulation 76 of the 2015 Regulations to the extent that it relates to the pension payable under regulation 28(3)(a)(ii); and
- (b) an amount equal to any transfer payment made to another scheme before the member reached the old scheme normal pension age.

(4) Before the amounts in paragraph (3)(a) and (b) are subtracted, they must be increased by the amount by which the annual rate of pension of that amount would have been increased under the Pensions (Increase) Act 1971(1) if—

- (a) that pension was eligible to be so increased; and
- (b) the beginning date for that pension was the date that ill-health pension became payable under the new scheme.