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STATUTORY INSTRUMENTS

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**1995 No. 300**

**The National Health Service Pension Scheme Regulations 1995**

**PART F**

*Lump sum on death*

**Member dies in pensionable employment**

**F1.**—(1) If a member dies in pensionable employment before reaching age 70, a lump sum on death shall be payable in accordance with regulation F5.

(2) Subject to regulation S4 (benefits on death in pensionable employment after pension becomes payable), the lump sum on death will be equal to twice the member's final year's pensionable pay.

**Member dies after pension becomes payable**

**F2.**—(1) If a member dies after his pension under the scheme becomes payable, a lump sum on death shall be payable in accordance with regulation F5.

(2) Subject to regulation S4, the lump sum on death will be equal to 5 times the yearly rate of the member's pension (less the amount of pension already paid) provided that the maximum payment under this paragraph shall not exceed an amount equal to twice the member's final year's pensionable pay less an amount equal to the member's retirement lump sum paid under regulation E6 (lump sum on retirement).

**Member dies with preserved pension**

**F3.**—(1) If a member leaves pensionable employment with a preserved pension under regulation L1 and dies before his pension under the scheme becomes payable, a lump sum on death shall be payable in accordance with regulation F5.

(2) The lump sum will be equal to 3 times the yearly rate of the member's preserved pension, calculated as described in regulation L1.

**Member dies within 12 months after leaving pensionable employment without pension or preserved pension**

**F4.**—(1) This regulation applies if a member leaves pensionable employment without becoming entitled to a pension under any of regulations E1 to E5 or a preserved pension under regulation L1 and dies within 12 months after leaving.

(2) If the member dies before receiving a refund of contributions under regulation L2 or before a transfer payment is made under regulation M5 (early leaver without pension or preserved pension), a lump sum on death shall be payable in accordance with regulation F5.

(3) The lump sum on death will be calculated as described in regulation F3 (member dies with preserved pension) as if, on leaving pensionable employment, the member had become entitled to a preserved pension calculated as described in regulation L1.

### **Payment of lump sum**

**F5.**—(1) If the member dies and leaves a surviving widow or widower, the lump sum on death shall be payable to the widow or widower, unless the member has given notice to the Secretary of State that the widow or widower is not to receive the payment.

(2) Notice to the Secretary of State under paragraph (1) shall be given in writing and may similarly be cancelled.

(3) If the lump sum on death is not paid to the member's widow or widower, or if there is no surviving widow or widower, it shall be payable to the member's personal representative.

(4) If the lump sum on death does not exceed the specified amount, the Secretary of State may pay it to any person claiming to be the member's personal representative or to be entitled to a share of it, without requiring proof of the title of the person concerned.

(5) In paragraph (4), the "specified amount" means £5,000 or any higher amount specified in an order made under section 6(1) of the Administration of Estates (Small Payments) Act 1965 as the amount to be treated as substituted for references to £500 in section 1 of that Act<sup>(1)</sup>.

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<sup>(1)</sup> 1965 c. 32.