
STATUTORY INSTRUMENTS

1995 No. 365

**The National Health Service Superannuation
Scheme (Scotland) Regulations 1995**

PART H

DEPENDENT CHILD ALLOWANCE

Child allowance when member dies after pension becomes payable

H4.—(1) The child allowance payable in the case of a member who dies after a pension under the scheme becomes payable will be as described in this regulation.

(2) Subject to paragraph (8) the allowance will be calculated, as described in whichever apply of paragraphs (3) to (5) or regulation H7, as a proportion of the amount of the member's pension without regard to any actuarial reduction under regulation E5 or, if greater, the amount that the member's pension would have been if it had been based on the shorter of—

- (a) 10 years' pensionable service, and
- (b) the pensionable service the member could have completed if he had stayed in pensionable employment until age 65.

(3) If the member dies leaving a dependent child and there is a surviving parent (or spouse of a parent), the allowance will, subject to paragraphs (5), (6) and (7), be equal to one-quarter of the pension described in paragraph (2) if there is only one dependent child, and one-half if there are two or more.

(4) If the member dies leaving a dependent child and there is no surviving parent (or spouse of a parent), the allowance will be equal to one-third of the pension described in paragraph (2) if there is only one dependent child and two-thirds if there are two or more, except that the allowance for the six months after the member's death will be equal to the member's pension.

(5) If the member dies leaving a dependent child and there is a surviving parent (or spouse of a parent) but there is no entitlement to a widow's or widower's pension under regulation G3 (member dies after pension becomes payable) the allowance will be paid at the rates described in paragraph (4).

(6) If a widow's or widower's pension is payable at the rate mentioned in regulation G3(2), no allowance shall be payable in respect of any dependent child who is dependent on the widow or widower until the end of the first six months after the member's death.

(7) If a widow's or widower's pension is payable at the rate mentioned in regulation G3(2) but there is a dependent child who is not dependent on that widow or widower, the allowance in respect of that child for the first three months after the member's death, will be equal to the rate of the member's pension.

(8) Where the member was in receipt of a pension payable under regulation E5 (early retirement pension (with actuarial reduction)), the member's pension referred to in paragraph (2) means the member's pension calculated without regard to the reduction made under regulation E5(2).