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STATUTORY INSTRUMENTS

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**1998 No. 1594**

**The National Health Service (Scotland)  
(Injury Benefits) Regulations 1998**

**PART III**

**BENEFITS ON DEATH OF INJURED PERSON**

**Incidental provisions**

**12.**—(1) For the purposes of this Part of these Regulations, the amount of a pension payable under a relevant pension scheme shall be deemed not to include any amount by which that pension is increased under the Pensions (Increase) Act 1971<sup>(1)</sup> after the date at which the average remuneration used in the calculation of the allowance was calculated.

(2) Where the relevant pension scheme is a scheme mentioned in regulation 4(7), the pension payable under such a scheme shall, for the purposes of this Part of these Regulations, be deemed to include such sum, if any, which, in the opinion of the Secretary of State, represents the value, expressed as an annual amount, of the benefits payable under that scheme in respect of the deceased to the person entitled to the allowance.

(3) Where the deceased was a practitioner who received payments under regulation 72 of the 1961 Regulations or regulation 78 of the 1980 Regulations, there shall, for the purposes of regulations 7 to 9, be deemed to be payable under the relevant pension scheme a pension of such amount, if any, as the Secretary of State thinks fit, but not exceeding the amount of the widow's or the widower's pension or the child's allowance, as the case may be, which would if the deceased had not been entitled to such payments, have been payable under the superannuation scheme regulations in respect of the period or periods for which such payments were made to him or her.

(4) Any child or children who apart from this provision would become entitled to benefits in respect of more than one deceased shall be entitled to receive benefits in respect of not more than two deceased, and if benefits would apart from this provision be payable in respect of more than two deceased the total benefits paid to the child or, as the case may be, the children together shall be equal to the sum of the two highest benefits.