
STATUTORY INSTRUMENTS

2008 No. 654

**The National Health Service Pension
Scheme (Amendment) Regulations 2008**

Substitution of regulation F5

17. For regulation F5 (payment of lump sum) substitute—

“Payment of lump sum

F5.—(1) A lump sum under any of regulations F1 to F4 shall be paid in accordance with the following paragraphs.

(2) If a member dies without leaving a surviving partner and without having made a nomination in favour of another person, the lump sum shall be paid to the member’s personal representatives.

(3) If a member dies leaving a surviving partner and without having made a nomination in favour of another person, the lump sum shall be paid to that surviving partner unless—

- (a) the member has given notice to the Secretary of State that the surviving partner is not to receive the payment and has not revoked that notice; or
- (b) the surviving partner has been convicted of an offence specified in regulation T6(1A) and the Secretary of State has directed, as a consequence of that conviction, that the surviving partner’s right to payment in respect of the member’s death shall be forfeited; or
- (c) payment to the surviving partner is not, in the opinion of the Secretary of State, reasonably practicable,

in which case the lump sum shall be paid to the member’s personal representatives.

(4) If a member dies having made a nomination in favour of one nominee (whether or not he also leaves a surviving partner), the lump sum shall be paid to that nominee unless—

- (a) the member has given notice to the Secretary of State revoking that nomination; or
- (b) the nominee has died before the payment could be made; or
- (c) the nominee has been convicted of an offence specified in regulation T6(1A) and the Secretary of State has directed, as a consequence of that conviction, that the member’s right to payment in respect of the member’s death shall be forfeited; or
- (d) payment to the nominee is not, in the opinion of the Secretary of State, reasonably practicable,

in which case the lump sum shall be paid to the member’s personal representatives.

(5) If a member dies having made a nomination in favour of two or more persons (whether or not he also leaves a surviving partner) and has not given notice to the Secretary of State revoking that notice, the lump sum shall be paid to those nominees, unless—

- (a) one or more of those nominees has—
 - (i) died before the payment could be made; or

- (ii) been convicted of an offence specified in regulation T6(1A) and the Secretary of State has directed, as a consequence of that conviction, that the member's or the nominee or nominees' right to payment in respect of the member's death shall be forfeited; or
 - (b) the Secretary of State is of the opinion that payment to one or more of the nominees is not reasonably practicable,
- in which case the percentage of the lump sum due to that nominee, or as the case may be, those nominees shall be paid to the member's personal representatives.
- (6) A nomination may only be made by a member—
 - (a) who is in pensionable employment in the scheme at the time of making the nomination; or
 - (b) whose pensionable employment in the scheme ceased on, or after, 1st April 2008.
 - (7) A nomination shall specify one or more persons who may be—
 - (a) an individual;
 - (b) a body corporate;
 - (c) an unincorporated body; or
 - (d) the member's personal representatives,
 but is not entitled to specify one or more persons referred to in sub-paragraph (a) together with a body referred to in either of sub-paragraphs (b) or (c).
 - (8) A nomination or notice referred to in this regulation is only valid—
 - (a) if addressed to the Secretary of State;
 - (b) upon receipt by the Secretary of State;
 - (c) if made (or revoked) in writing;
 - (d) if it nominates the whole of the lump sum to a nominee and, in the case of a nomination specifying more than one individual, if it also specifies the percentage of the lump sum to be paid to each such individual.
 - (9) A member who has any pensionable employment in the scheme on or after 1st April 2008 cannot give a notice referred to in paragraph (3)(a).
 - (10) 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.
 - (11) In paragraph (10), 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⁽¹⁾ as the amount to be treated as substituted for references to £500 in section 1 of that Act.
 - (12) In this regulation “surviving partner” means a—
 - (a) widow; or
 - (b) widower; or
 - (c) civil partner; or
 - (d) nominated partner,
 who survives the member.”.

(1) 1965 c. 32

Changes to legislation: There are currently no known outstanding effects for the The National Health Service Pension Scheme (Amendment) Regulations 2008, Section 17. (See end of Document for details)

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Commencement Information

II Reg. 17 in force at 1.4.2008, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service Pension Scheme (Amendment) Regulations 2008, Section 17.