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STATUTORY INSTRUMENTS

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**2008 No. 654**

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

**Amendment of regulation H4**

**32.**—(1) Regulation H4 (member dies after pension becomes payable) is amended as follows.

(2) For paragraph (2) substitute—

“(2) Subject to paragraphs (2A) and (8), the allowance will be calculated, as described in whichever of paragraphs (3) or (4) apply, as a proportion of the amount of the member’s pension or, if greater, the amount that the member’s pension would have been if it had been based on 10 years pensionable service.

(2A) If the member’s pensionable employment ceased on or before 31st March 2008, the allowance will be calculated in whichever of paragraphs (3) or (4) apply, as a proportion of the amount of the member’s pension 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 the member had stayed in pensionable employment until age 65.”.

(3) In paragraph (3) after “or civil partner”, insert “or nominated partner”.

(4) After paragraph (8) insert—

“(9) If a member who was in receipt of a substitute tier 1 pension under regulation E2C (further employment after a benefit is paid under regulation E2A) dies before the end of the protection period that applies to him under regulation E2C(6)(a) or E2C(6)(b), the member’s pension referred to in paragraph (2) means that member’s original tier 2 pension.

(10) For the purpose of paragraphs (2) and (7), no account will be taken of any reduction to the member’s pension under regulation E7 (general option to exchange part of pension for lump sum).”.

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**Commencement Information**

**II** Reg. 32 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 32.