
STATUTORY INSTRUMENTS

2009 No. 2446

The National Health Service Pension Scheme,
Injury Benefits and Additional Voluntary
Contributions (Amendment) Regulations 2009

PART 2

Amendment of the National Health Service Pension Scheme Regulations 1995

Amendment of regulation H4

8. For paragraph (2) of regulation H4 (member dies after pension becomes payable), substitute—
- “(2) Subject to paragraphs (2A) and (8)—
- (a) the allowance will be calculated as described in whichever of paragraphs (3) or (4) apply, and
 - (b) where the member was, on the date of the member’s death—
 - (i) not a 2008 Section Optant within the meaning of regulation 2.K.1 or regulation 3.K.1 of the 2008 Section of the Scheme (application of Chapter 2.K and Chapter 3.K, respectively), whose pensionable service—
 - (aa) equalled, or exceeded, 10 years, as a proportion of the amount of the member’s pension based on that service;
 - (bb) was less than 10 years, as a proportion of the amount the member’s pension would have been if it had been based on 10 years pensionable service;
 - (ii) such a 2008 Section Optant, as a proportion of the amount of the member’s pension.”.