
STATUTORY INSTRUMENTS

2015 No. 94

The National Health Service Pension Scheme Regulations 2015

PART 6

Survivor benefits

CHAPTER 2

Child survivor

Amount of child pension: deceased pensioner member

124.—(1) This regulation determines the annual amount of pension payable under regulation 121 if, at the date of death, the deceased—

- (a) was a pensioner member of this scheme; and
 - (b) was not also an active member.
- (2) The amount is the appropriate fraction of—
- (a) the basic death pension; plus
 - (b) if the member had made an additional pension election under regulation 55(3)(b) (self and survivor), 75% of the amount of the additional pension.
- (3) The basic death pension is the greater of—
- (a) 67.5% of the deceased's annual pension (disregarding any additional pension); and
 - (b) the amount found by applying the following formula:

$$\left(\frac{A}{C} \times 3650 \right) \times 67.5\%$$

where—

[^{F1}A is the deceased's annual pension not including any Tier 2 addition determined in accordance with regulation 92(3);]

C is the total period of pensionable service counted in days over which the pensions aggregated to find A were accrued,

and for the purposes of C, any part of a day is taken to be a whole day.

- (4) The appropriate fraction is as determined by regulation 123(4).
- (5) Paragraph (6) applies if—
- (a) a surviving adult dependent's pension is payable under regulation 113; and
 - (b) there is an eligible child who is not dependent on the person entitled to the pension.
- (6) The rate of pension payable in respect of the child for the first three months after the deceased's death is equal to the rate of the member's pension at the date of death.

(7) Where entry B or C of column 1 of the table in paragraph (4) of regulation 123 applies, the rate of the pension in respect of an eligible child for the period of six months starting with the deceased's death is equal to the greater of—

- (a) the rate of the member's pension at the date of death disregarding any reduction under Chapter 7 of Part 5 (abatement); and
- (b) the amount of child pension that would otherwise be payable under these Regulations.

(8) A reference to the deceased's pension for the purposes of paragraph (3)(a) and (b) is a reference to the amount the deceased's pension would have been if it was calculated—

- (a) without subtracting the conversion amount (see paragraph 10 of Schedule 9); and
- (b) in the case of a pension which was payable to the deceased pursuant to regulation 79, 82 or 84, without the reduction under paragraph 6(1)(b) or 7(1)(b) of Schedule 13.

Textual Amendments

- F1** Words in reg. 124(3)(b) substituted (1.4.2015) by [The National Health Service Pension Scheme, Injury Benefits and Additional Voluntary Contributions \(Amendment\) Regulations 2016 \(S.I. 2016/245\)](#), regs. 1(8), 72 (with reg. 105)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, Section 124.