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STATUTORY INSTRUMENTS

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**2015 No. 96**

The National Health Service Pension Scheme,  
Injury Benefits and Additional Voluntary  
Contributions (Amendment) Regulations 2015

PART 5

Amendment of the National Health Service Pension Scheme  
(Additional Voluntary Contributions) Regulations 2000

**Amendment of regulation 15**

**62.**—(1) Regulation 15 (payments by the Secretary of State) is amended as follows.

(2) For paragraph (1)(1), substitute—

“(1) Where an authorised provider or a selected authorised provider fails to pay a benefit referred to in regulation 11(1) or a lump sum benefit referred to in regulation 12, the Secretary of State is liable to pay that amount.”.

(3) In paragraph (3)—

(a) for “regulation 11(1B), 11(1C), 11(4), 11(7) or 12” substitute “regulations 11(7)(f) and (10) and regulation 12”

(b) for sub-paragraph (b) of paragraph (3), substitute—

“(b) to the deceased’s personal representatives if—

(i) there is no spouse, nominated partner or civil partner, or

(ii) a notice has been given in accordance with any of the provisions referred to in paragraph (3A) that the spouse, nominated partner or civil partner is not to receive the payment.”.

(4) After paragraph (3), insert—

“(3A) The provisions referred to in paragraph (3)(b) are—

(a) regulation F5 of the 1995 Regulations (payment of lump sum);

(b) regulation 2.E.21 or 3.E.21 of the 2008 Regulations (payment of lump sum on death);

(c) regulation 112 of the 2015 Regulations (lump sum on death);

(d) paragraph 11 of Schedule 2.”.

(5) For paragraph (4), substitute—

“(4) Lump sums payable under regulation 11(1)(b), (c) and (d) and regulation 14(1) must be paid to the participator.”.

(6) In paragraph (10), for “regulations E1” to “pensions)” substitute “the provisions referred to in paragraph (10A)”.

(7) After paragraph (10), insert—

“(10A) Those provisions are—

- (a) regulation E1 to E5 or L1 of the 1995 Regulations (which deal with benefits for members and preserved pensions);
- (b) regulation 2.D.1, 2.D.4, 2.D.5, 2.D.8, 2.D.10, 2.D.11, 3.D.1, 3.D.4, 3.D.5, 3.D.7, or 3.D.9 of the 2008 Regulations (normal retirement pensions, actuarially reduced pensions, ill health pensions and early retirement pensions);
- (c) regulation 73, 79, 81, 82, 84, 90 or 94 of the 2015 Regulations (age retirement, early retirement, partial retirement and ill-health pensions).”.

(8) In paragraph (11) after sub-paragraph (b), insert—

“(c) regulation 109 of the 2015 Regulations (option for members in serious ill-health to exchange pension for lump sum),”.