
STATUTORY INSTRUMENTS

2016 No. 245

The National Health Service Pension Scheme,
Injury Benefits and Additional Voluntary
Contributions (Amendment) Regulations 2016

PART 6

Amendment of the National Health Service (Injury Benefits) Regulations 1995

Part 6: General

97. The National Health Service (Injury Benefits) Regulations 1995(1) are amended in accordance with this Part.

Amendment of regulation 2C

98. In paragraph (5) of regulation 2C (meaning of “average remuneration”), after “who is” insert “not”.

Amendment of regulation 4

99.—(1) Regulation 4 (scale of benefits) is amended as follows.

(2) In paragraph (vi) of sub-paragraph (b) of paragraph (6), after “ended” insert “: this is subject to paragraph (6A);”.

(3) After paragraph (6), insert—

“(6A) Paragraph (6B) applies where, immediately prior to receiving employment and support allowance referred to in paragraph (vi) of sub-paragraph (b) of paragraph (6) of this regulation (the “replacement benefit”), a person was in receipt of a benefit referred to in paragraph (ii) or (iii) of that sub-paragraph (the “superseded benefit”).

(6B) In the circumstances referred to in paragraph (6A), the rate of replacement benefit taken into account for the purpose of calculating a benefit in accordance with this regulation shall be the rate of the superseded benefit that was taken into account for that purpose immediately before that person received the replacement benefit.

This is subject to paragraph (6C).

(6C) Paragraph (6B) only applies where the rate of the replacement benefit is greater than the rate of the superseded benefit.”.