
STATUTORY INSTRUMENTS

2017 No. 275

**The National Health Service Pension Scheme and Additional
Voluntary Contributions (Amendment) Regulations 2017**

PART 5

**Amendment of the National Health Service Pension Scheme
(Transitional and Consequential Provisions) Regulations 2015**

Amendment of regulation 28

52. After paragraph (6) of regulation 28 (ill-health benefits: members below old scheme normal pension age), insert—

“(6A) Paragraphs (6B) and (6C) apply if a member receiving an ill-health pension under this regulation dies before reaching the old scheme normal pension age.

(6B) If a surviving adult dependant of the member is entitled to a pension in accordance with regulation 116 (amount of pension: survivor of pensioner member) of the 2015 Regulations the annual rate of the adult survivor pension payable under paragraph (4)(a) of that regulation is the sum of—

- (a) 33.75% of the pension to which the member was entitled at the date of death (disregarding any additional pension) under the new scheme; and
- (b) if the member—
 - (i) was an active member of the 1995 Section before becoming an active member of the new scheme, 16.25% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation; or
 - (ii) was an active member of the 2008 Section before becoming an active member of the new scheme, 3.75% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation.

(6C) If a child's pension becomes payable in respect of an eligible child of the member in accordance with regulation 124 (amount of child pension: deceased pensioner member) of the 2015 Regulations the basic death pension for the purposes of paragraph (3)(a) of that regulation is the sum of—

- (a) 67.5% of the deceased member's annual pension (disregarding any additional pension) under the new scheme; and
- (b) if the member—
 - (i) was an active member of the 1995 Section before becoming an active member of the new scheme, 32.5% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3)(a)(ii) of this regulation; or

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- (ii) was an active member of the 2008 Section before becoming an active member of the new scheme, 7.5% of the old scheme pension to which the member was entitled at the date of death in accordance with paragraph (3) (a)(ii) of this regulation.”.