
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 224

**The National Health Service Pension
Scheme (Scotland) Regulations 2008**

PART 3

BENEFITS FOR PRACTITIONERS, ETC.

CHAPTER 3.E

DEATH BENEFITS

Miscellaneous and general provisions

Dual capacity membership: death benefits

- 3.E.25.**—(1) This paragraph applies if the deceased member was—
- (a) a member of the scheme of 2 or more of the kinds specified in paragraph (2);
 - (b) a pensioner member in respect of 2 or more pensions; or
 - (c) a deferred member in respect of 2 or more pensions.
- (2) The kinds of member are—
- (a) an active member;
 - (b) a deferred member;
 - (c) a pensioner member; and
 - (d) a pension credit member.
- (3) If paragraph (1) applies, the general rule is that—
- (a) benefits are payable in respect of the member under this Chapter as if 2 or more members of the kinds in question had died (so that 2 or more pensions or lump sums are payable in respect of the one deceased member); and
 - (b) the amounts payable are determined accordingly.
- (4) Paragraph (3) does not apply where specific provision to the contrary is made about a person to whom that paragraph would otherwise apply.
- (5) In relation to the specific provision referred to in paragraph (3), see, in particular—
- (a) regulation 3.E.3 (amount of pensions under regulation 3.E.1: active members);
 - (b) regulation 3.E.4 (amount of pensions under regulation 3.E.1: pensioner members);
 - (c) regulation 3.E.7 (re-employed pensioners: adult survivor pensions in initial period);
 - (d) regulation 3.E.8 (surviving children's pensions);
 - (e) regulation 3.E.15 (amount of children's pension under regulation 3.E.8: re-employed pensioners);

- (f) regulation 3.E.16 (lump sum benefits on death: introduction);
 - (g) regulation 3.E.18 (amount of lump sum: dual capacity members (disregarding regulation 3.D.5 employments));
 - (h) regulation 3.E.19 (amount of lump sum: dual capacity members: members with pensions under regulation 3.D.5); and
 - (i) Chapter 3.G (re-employment and rejoining the scheme).
- (6) If a person who is a pension credit member is entitled to 2 or more pension credits—
- (a) benefits are payable in respect of the person under this Chapter as if the person were 2 or more persons, each being entitled to one of the pension credits (so that 2 or more pensions or lump sums are payable in respect of the one pension credit member); and
 - (b) the amounts of those benefits are determined accordingly.