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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 19**

**The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits) (Scotland) Amendment Regulations 2009**

**PART 2**

**Amendment of the National Health Service Pension Scheme (Scotland) Regulations 2008**

**Amendment of regulation 2.E.21**

**37.**—(1) Regulation 2.E.21 (payment of lump sums on death) is amended as follows.

(2) In the heading to that regulation, after “lump sums” insert “or pensions”.

(3) In paragraph (1), after “regulation 2.E.16” insert “or a pension payable under regulation 2.E.20A”.

(4) In paragraph (2)—

(a) after “lump sum” insert “or pension”; and

(b) for “under paragraph (4) or (6)” substitute “or body under paragraph (4), (6) or (10)”.

(5) In paragraphs (3), (4), (6) and (7), after “lump sum” wherever it occurs insert “or pension”.

(6) After paragraph (9), insert—

“(10) The member’s personal representatives may, as part of the distribution of the member’s estate, give irrevocable notice to the Scottish Ministers—

(a) specifying—

(i) one or more individuals; or

(ii) one incorporated or unincorporated body,

to whom the benefit of the pension under regulation 2.E.20A, from the date of receipt of the notice by the Scottish Ministers, is to be assigned; and

(b) where two or more individuals are specified under sub-paragraph (a)(i), specifying the percentage of the pension payable to each of them,

and the pension (or, as the case may be, the percentage of it specified in respect of the person) may be paid to the person or body, unless paragraph (11) applies.

(11) This paragraph applies if—

(a) the person specified in the notice has died before the payment can be made;

(b) payment to that person is not, in the opinion of the Scottish Ministers, reasonably practicable; or

(c) the person to whom the pension (or a specified percentage of the pension) would otherwise be payable has been convicted of an offence specified in

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regulation 2.J.7(2) (forfeiture of rights to benefits) and the Scottish Ministers have directed, as a consequence of that conviction, that the person's right to a payment in respect of the member's death is forfeited.".