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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 208**

The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits) (Scotland) Amendment (No. 2) Regulations 2009

PART 3

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

**Amendment of regulation 2.G.5**

**50.** In regulation 2.G.5 (re employed lower tier ill health pensioners)–

- (a) in paragraph (4) at the start insert “Subject to paragraph (5),”; and
- (b) after paragraph (4) add–

“(5) If the re employed member–

- (a) ceases to be entitled to a lower tier ill health pension in respect of the earlier service;
- (b) becomes entitled to an upper tier ill health pension in respect of that earlier service in accordance with regulation 2.D.9(3); and
- (c) on the termination of the later service, the member becomes entitled to a lower tier or, as the case may be, an upper tier ill health pension in respect of that later service,

the re employed member is entitled to the benefits set out in paragraph (6).

(6) The benefits mentioned in paragraph (5) are–

- (a) an upper tier ill health pension paid in accordance with regulation 2.D.9 in respect of the member’s earlier service; and
- (b) a lower tier ill health pension in respect of the member’s later service.”.