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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 1**

**Amendment of the National Health Service Superannuation Scheme (Scotland) Regulations 1995**

**Amendment of regulation S4A**

**15.** In regulation S4A (benefits on death in pensionable employment after pension under regulation E2A becomes payable ) after paragraph (1), insert—

“(1A) Subject to the modifications set out in paragraph (1B), this regulation shall also apply to a member in respect of whom a pension is payable under regulation E2A who—

- (a) returns to pensionable employment after that pension becomes payable; and
- (b) on the day the member dies, the member is—
  - (i) under the age of 75;
  - (ii) in NHS employment;
  - (iii) no longer required to pay contributions pursuant to regulation D1(3) or (4) (contributions by members); and
  - (iv) except where regulation R4(6) applies, not in receipt of a pension under any of regulations E1 to E5 in respect of the member’s later service.

(1B) The modifications referred to in paragraph (1A) are—

- (a) in paragraph (6), for “on the date of the member’s death” substitute “on the member’s last day of pensionable employment”;
- (b) in paragraphs (10), for “rate of pensionable pay when the member died” substitute “final year’s pensionable pay”;
- (c) in paragraph (15)(a), for “rate of pensionable pay when the member died” substitute “final year’s pensionable pay”; and
- (d) in paragraph (15)(b), for “at that time” substitute “when he died”.