SCOTTISH STATUTORY INSTRUMENTS

2013 No. 174

The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013

PART 3

BENEFITS FOR PRACTITIONERS, ETC.

CHAPTER 3.K

2008 SECTION OPTANTS

Miscellaneous provisions

Lump sum payable on the death of a 2008 Section Optant who is in receipt of a lower tier ill health pension under regulation E3 of the 2011 Regulations

3.K.22.—(1) This regulation applies to a 2008 Section Optant who, on the date of that Optant's death—

(a) is entitled to a lower tier ill health pension under regulation E3 (early retirement on ill health grounds (post 1st April 2008)) of the 2011 Regulations in respect of service in the 1995 Section; and

(b) is an active or a non-contributing member in respect of service in this Section of the scheme ("the later 2008 Section service").

(2) The lump sum payable on the death of an Optant referred to in paragraph (1) must be—

(a) calculated in accordance with whichever of paragraph (3), (4) or (5) applies to that Optant; and

(b) paid in place of the lump sum that, apart from this regulation, would otherwise be payable in respect of that Optant's later 2008 Section service under regulation 3.E.17 (amount of lump sum: single capacity members and recent leavers).

(3) If the deceased Optant was, at the date of the Optant's death, an active member who had not exercised the option under regulation 3.D.5 (partial retirement: members aged at least 55), the lump sum referred to in paragraph (2)(a) is an amount equal to 5 times the annual rate of pension—

(a) payable under regulation 3.D.7(5) (upper tier ill health pension), if the deceased Optant had not reached age 65; or

(b) payable under regulation 3.D.1 (normal retirement pensions), if the deceased Optant had reached age 65,

to which the deceased Optant would have been entitled at the date of the Optant's death.

(4) If the deceased Optant was a non-contributing member who had not exercised the option under regulation 3.D.5, the lump sum referred to in paragraph (2)(a) is an amount equal to 5 times the annual rate of pension—

(a) payable under regulation 3.D.7(5) (upper tier ill health pension), if the deceased Optant had not reached age 65; or

(b) payable under regulation 3.D.1 (normal retirement pensions), if the deceased Optant had reached age 65,

to which the Optant would have been entitled on the last day of the Optant's pensionable service.

(5) If the Optant was an active member or a non-contributing member who had exercised the option under regulation 3.D.5, the lump sum referred to in paragraph (2)(a) must be determined by the Scottish Ministers after taking advice from the scheme actuary.