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STATUTORY INSTRUMENTS

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**2008 No. 2263**

**The National Health Service Pension Scheme and  
Injury Benefits (Amendment) Regulations 2008**

**PART 2**

**Amendment of the National Health Service Pension Scheme Regulations 2008**

**Insertion of new regulation 2.E.20A**

**37.** After regulation 2.E.20 (amount of lump sum: pension credit members), insert—

**“Pension payable when member dies on or after reaching age 75**

**2.E.20 A.**—(1) If a pensioner member or a pension credit member dies—

- (a) on or after reaching age 75, and
- (b) before the fifth anniversary of the date on which the member’s pension became payable,

an annual pension, calculated in accordance with paragraph (2), may be payable from the day following the date of the member’s death until the anniversary referred to in sub-paragraph (b).

(2) The pension payable under paragraph (1) is determined by—

- (a) calculating the amount of the lump sum that would have been payable in respect of the pensioner member or pension credit member under regulation 2.E.17(2) or, as the case may be, 2.E.20 as if on the day the member died the member had not reached the age of 75, and
- (b) converting any amount determined in sub-paragraph (a) to an annual pension payable for the period specified in paragraph (1), by reference to guidance and tables provided by the Scheme actuary for the purpose.

(3) The “beginning date” of the pension calculated in paragraph (2) will, for the purposes of the Pensions (Increase) Act 1971, be the day immediately following the date of death of the pensioner member or pension credit member.

(4) The pension calculated under this regulation will be payable in accordance with regulation 2.E.21.”.