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STATUTORY INSTRUMENTS

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**2008 No. 653**

The National Health Service Pension Scheme Regulations 2008

PART 4

BENEFITS IN CASES OF MIXED SERVICE

CHAPTER 4.C

MODIFICATION OF BENEFITS

*Members' retirement benefits*

**4.C.1 Top-up where reference amount greater than base amount**

(1) Where the reference amount calculated in any of regulations 4.B.2 to 4.B.7 is greater than the base amount, a top-up amount is payable.

(2) The top-up amount is equal to the aggregate of the amounts by which the reference amount is greater than the base amount in each of regulations 4.B.2 to 4.B.7 (where applicable).

(3) The top-up amount provided for under this regulation shall be treated as forming part of the member's pension for the purposes of increases payable under the Pensions (Increase) Act 1971<sup>(1)</sup>, and shall be increased in similar manner to pensions payable under Parts 2 and 3.