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STATUTORY INSTRUMENTS

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**2008 No. 653**

The National Health Service Pension Scheme Regulations 2008

PART 3

BENEFITS FOR PRACTITIONERS ETC.

CHAPTER 3.E

DEATH BENEFITS

*Pensions for surviving adults*

**3.E.7 Re-employed pensioners: adult survivor pensions in initial period**

(1) This regulation applies if, apart from this regulation, both regulations 3.E.3(1) and 3.E.4(1) would apply on the death of a member.

(2) Where this regulation applies, the rate of pension payable by virtue of regulation 3.E.3(1) and 3.E.4(1) during the initial period (as defined in the respective regulations) shall instead be the rate provided in paragraph (3).

(3) Subject to paragraph (4), for the relevant initial period the rate of the pension payable under regulation 3.E.1 is equal to the sum of—

- (a) the average rate of the member's pensionable earnings during the last complete quarter before he died, and
- (b) the member's pension payable at that time after taking account of any reduction in the rate of the pension under Chapter 3.H (abatements).

(4) Paragraph (3)(a) does not apply if—

- (a) the rate of the pension payable to the surviving adult in respect of later service, and
- (b) any children's pension that would otherwise be payable in respect of later service under this Part,

would be greater.