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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 393**

**The Teachers' Superannuation (Scotland) Regulations 2005**

**PART E**

**BENEFITS**

**Deficiency grants**

**E25.**—(1) Subject to paragraph (7), this regulation applies where a teacher dies who—

- (a) has become entitled to payment of retirement benefits; and
- (b) is not in pensionable employment.

(2) If—

- (a) the teacher became entitled to retirement benefits before 1st October 2001;
- (b) at least 10 years' reckonable service was taken into account in calculating his or her retirement benefits; and
- (c) the total of the amounts paid in respect of these benefits is less than the pensionable salary,

subject to paragraph (6) a grant equal to that deficiency may be paid.

(3) If—

- (a) the teacher became entitled to retirement benefits before 1st October 2001;
- (b) less than 10 years' reckonable service was taken into account in calculating his or her retirement benefits; and
- (c) the amount paid in respect of his or her retirement pension is less than 5 times the annual rate at which it was payable when he or she died,

subject to paragraph (6) a grant equal to that deficiency may be paid.

(4) If—

- (a) the teacher's entitlement to retirement benefits takes effect on or after 1st October 2001; and
- (b) the amount paid in respect of his or her retirement pension is less than 5 times the annual rate at which it was payable when he or she died,

subject to paragraph (6) a grant equal to that deficiency may be paid.

(5) For the purposes of this regulation any amount by which a pension was reduced under regulation E7(4) or any part of a pension allocated under regulation E14, or any amount deducted from the retirement lump sum (including any actuarial reduction under regulation E8(3) or any debited pension rights by virtue of regulation F5 shall be treated as having been paid.

(6) Where regulation E7(4) applies a deficiency grant may be paid equal only to the deficiency referred to in paragraph (2),(3) or (4) as the case may be, multiplied by the appropriate factor.

(7) This regulation does not apply if the teacher's last employment was of a kind described in Part II of Schedule 9 and formed part of the qualifying period for the purposes of regulation E5(5).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) Where any deficiency grant is paid under this regulation, it is to be paid to the individual nominated by the deceased to receive the grant or, in the absence of such a nomination—

- (a) if the deceased is survived by one widow or by a widower, to the widow or widower,
- (b) if there are two or more widows, to the widows in equal shares, or
- (c) if there is no widow or widower, to the legal personal representative.

(9) Any nomination for the purposes of paragraph (8) shall be made by giving written notice to the Scottish Ministers.