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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 308**

**The Teachers' Superannuation (Scotland)  
Amendment Regulations 2006**

**Amendment of the Teachers' Superannuation (Scotland) Regulations 2005**

- 5.—(1) Regulation E26 (family benefits generally) is amended as follows.
- (2) In paragraph (6)—
- (a) omit “; or” at the end of sub-paragraph (a), and
  - (b) omit sub-paragraph (b) and the words “who is wholly or mainly dependent on him or her”.
- (3) In paragraph (7) for “E27” substitute “E28”.
- (4) In paragraph (7)(b) after “having attained that age” insert “but not having attained the age of 23”.
- (5) For paragraph (7)(d) substitute—
- “(d) was, at the date of death of the teacher referred to in paragraph (6), dependent on that teacher because he or she was incapacitated.”.
- (6) After paragraph (10) insert—
- “(11) In relation to—
- (a) a child who was entitled to a pension under regulations E28 to E33 on 5th April 2006; and
  - (b) provision to or for the benefit of a child born on or before 5th April 2007 of a teacher who was entitled to payment of retirement benefits under regulation E6 on 5th April 2006,
- paragraphs (6) and (7) shall have effect with the modifications specified in paragraph (12).
- (12) The modifications are—
- (a) in paragraph (6) after “or their adopted child” insert “, or accepted by him or her as a member of the family, who is wholly or mainly dependent on him or her,”; and
  - (b) in paragraph (7)—
    - (i) omit “but not having attained the age of 23” in subparagraph (b); and
    - (ii) for sub-paragraph (d) substitute—

“(d) having ceased while incapacitated to fall within sub-paragraph (a), (b) or (c), he or she continues to be incapacitated.”.