
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 283

The Teachers' Superannuation and Pension Scheme (Additional Voluntary Contributions) (Scotland) Regulations 2017

Pension sharing on divorce

14.—(1) Pension sharing within the meaning of Part IV of the 1999 Act is available under the AVC Scheme in respect of all or part of a person's shareable rights as set out in this regulation except as otherwise provided and the Scottish Ministers shall discharge their liability in respect of a pension credit which derives from the AVC Scheme in accordance with paragraph 1 of schedule 5 of the 1999 Act (pension credits: mode of discharge: funded pension schemes).

(2) Upon the taking effect of a pension sharing order, an amount representing the pension credit member's share of the pension debit member's accumulated additional voluntary contributions, calculated in accordance with regulation 10 of the Pension Sharing (Implementation and Discharge of Liability) Regulations 2000⁽¹⁾, shall be invested by the Scottish Ministers in accordance with the wishes of the pension credit member in one or more of the funds authorised by the Scottish Ministers for the purposes of these Regulations managed by an insurance company selected by them.

(3) The benefits that may be provided to the pension credit member are—

- (a) one or more pension policies purchased as described in regulation 12(8) as modified in relation to this regulation for the purpose of providing a retirement pension or one or more dependant's pensions;
- (b) one or more pension commencement lump sums;
- (c) one or more uncrystallised fund pension lump sums.

(4) The benefits mentioned in paragraph (3) shall commence no earlier than the date the pension credit member attains normal minimum pension age as defined in regulation 3 of the 2014 Regulations and in the case of benefits under sub-paragraph (3)(a) are payable for life.

(5) A dependant's pension is a pension which would become payable to a dependant on the death of the pension credit member after their pension has commenced as provided in paragraph (4) and is payable for life, except that, in the case of a dependant who is an eligible child as defined in the 2005 Regulations or the 2014 Regulations, it shall cease to be payable when that person ceases to be a child.

(6) Upon the death of a person after a pension sharing order has been made but before the Scottish Ministers have discharged their liability in respect of the pension credit to which that person would otherwise be entitled, a lump sum equal to the value of the pension credit at the date of that person's death shall be paid to his or her executors.

(7) Paragraphs (4) to (11) of regulation 12 apply in the circumstances of this regulation with the following modifications wherever the words to be modified appear—

- (a) the reference to participator shall be a reference to pension credit member;
- (b) the reference to retirement pension shall be a reference to a pension credit member's pension;

(1) S.I. 2000/1053.

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

- (c) the reference to investments made under regulation 9(1) or 10(2) shall be a reference to investments made under regulation 14(2);
 - (d) the reference to the insurance company referred to in regulation 9 shall be a reference to the insurance company referred to in regulation 14(2); and
 - (e) the reference in paragraph (10) to serious ill-health shall be a reference to ill-health which is such as to give rise to a life expectancy of less than one year from the date on which commutation is applied for.
- (8) In regulation 16, wherever regulation 12(5), (6) or (9) is referred to, the reference shall include a reference to that regulation as modified by this regulation in relation to pension credits.