

1971 No. 2036 (S.216)
PENSIONS
**The Increase of Pensions (Teachers Family Benefits)
(Scotland) Regulations 1971**

<i>Made</i> - - - -	10th December 1971
<i>Laid before Parliament</i>	20th December 1971
<i>Coming into Operation</i>	31st December 1971

In exercise of the powers conferred upon me by section 5(3) of the Pensions (Increase) Act 1971(a), and of all other powers enabling me in that behalf and with the consent of the Minister for the Civil Service, I hereby make the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Increase of Pensions (Teachers Family Benefits) (Scotland) Regulations 1971 and shall come into operation on 31st December 1971.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Pensions (Increase) Act 1971;

“the regulations” means the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971(b).

(2) A pension shall be deemed for the purposes of these regulations to begin on the day following the last day of the service in respect of which the pension is payable.

(3) A reference in these regulations to a regulation or to a Part shall, unless the context otherwise requires, be construed as a reference to a regulation or to a Part of the regulations, as the case may be.

(4) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Modification of Act

3. In relation to pensions payable under the regulations the provisions of the Act are hereby modified so that the annual rate thereof may, instead of being increased in accordance with those provisions, be increased as in these regulations provided.

(a) 1971 c. 56.
(c) 1889 c. 63.

(b) S.I. 1971/1775 (1971 III, p. 4813).

Widow's Pension

4.—(1) Except as provided in paragraph (2) of this regulation and in regulation 7 of these regulations, the increase in the minimum annual amount of a widow's pension specified in either sub-paragraph (a) or sub-paragraph (b) of regulation 44(2) shall, if the pension began on or before 1st April 1971, be such as will make that amount £132 in respect of any period beginning on or after 1st September 1971.

(2) Paragraph (1) above shall not apply in relation to any widow's pension if the annual amount thereof, as determined under paragraph (4) or paragraph (5) of regulation 44 and increased in accordance with the provisions of the Act, would exceed £132.

Short Service Widow's Pension

5. Except as provided in regulation 7 of these regulations, the increase in the annual amount of a short service widow's pension which began on or before 1st April 1971 and is payable in a case specified in either paragraph (a) or paragraph (b) of regulation 47 shall, in respect of any period beginning on or after 1st September 1971, be the amount which, opposite to the number of years of service counting for benefit of her husband specified in column (1) of the following Table, is specified—

- (a) in column (2) thereof in a case specified in the said paragraph (a); and
 (b) in column (3) thereof in a case specified in the said paragraph (b):—

TABLE

(1) Years of Service	(2) Increase (Regulation 47(a))	(3) Increase (Regulation 47(b))
3	£8	£3
4	£9	£4
5	£10	£4
6	£12	£5
7	£13	£5
8	£15	£6
9	£16	£6

Children's Pension

6. Except as provided in regulation 7 of these regulations, the increase in the annual amount of a children's pension which began on or before 1st April 1971 and is payable in a case to which either sub-paragraph (a) or sub-paragraph (b) of regulation 50(1) applies shall, in respect of any period beginning on or after 1st September 1971, be the amount which, opposite to the number of eligible

children to or in respect of whom it is for the time being payable specified in column (1) of the following Table, is specified in column (2) or column (3) thereof, whichever column shall for the time be appropriate—

- (a) under letter A, in a case to which the said sub-paragraph (a) applies; and
 (b) under letter B, in a case to which the said sub-paragraph (b) applies:—

TABLE

(1) Number of Eligible Children	(2) Increase where there is a Surviving Widow of the Contributor		(3) Increase where there is not a Surviving Widow of the Contributor	
	A	B	A	B
1	£8	£3	£15	£5
2	£17	£7	£25	£10
3	£25	£10	£35	£15
4 or more	£33	£13	£51	£21

Increases in respect of Contributors under External Schemes

7.—(1) Except as provided in paragraph (2) of this regulation, in a case to which regulation 52 applies the increase in—

- (a) the minimum annual amount of a widow's pension specified in either sub-paragraph (a) or sub-paragraph (b) of regulation 44(2);
 (b) the annual amount of a short service widow's pension payable in a case specified in either paragraph (a) or paragraph (b) of regulation 47; and
 (c) the annual amount of a children's pension payable in a case to which either sub-paragraph (a) or sub-paragraph (b) of regulation 50(1) applies

being a pension which began on or before 1st April 1971, shall, in respect of any period beginning on or after 1st September 1971, be the amount which bears to the amount of the increase of such a pension under regulation 4, 5 or 6, as the case may be, of these regulations the same proportion as that specified in regulation 52 for the purpose of calculating the annual amount thereof.

(2) Paragraph (1) above shall not apply in relation to any widow's pension if the annual amount thereof, as determined under paragraph (4) or paragraph (5) of regulation 44 and regulation 52 and increased in accordance with the provisions of the Act, would exceed the annual amount thereof as increased under paragraph (1).

Gordon Campbell,
 One of Her Majesty's Principal
 Secretaries of State.

St Andrew's House,
 Edinburgh.

7th December 1971.

Consent of the Minister for the Civil Service given under his Official Seal on 10th December 1971.

A. Wyatt,
Authorised by the Minister for
the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to a widow's pension, a short service widow's pension and a children's pension payable under the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971 where the service of the deceased teacher in respect of which such a pension is payable ended on or before 1st April 1971. Instead of being increased in accordance with the Pensions (Increase) Act 1971, from 1st September 1971 the minimum annual amount of the widow's pension is raised to £132 and the annual amounts of the other pensions by the amounts specified.

Where the deceased teacher also had service in England, Wales, Northern Ireland, the Isle of Man or the Channel Islands the increase is limited to the amount which bears the same proportion to the total increase otherwise authorised as his contributions in respect of his service in Scotland bears to his total contributions.

The Regulations have retrospective effect by virtue of section 5(4) of the Pensions (Increase) Act 1971.