
STATUTORY INSTRUMENTS

1992 No. 280

The Teachers' Superannuation (Scotland) Regulations 1993

PART E

BENEFITS

Family benefits generally

E21.—(1) Pensions are payable in accordance with regulations E23 to E28 to widows, widowers, children and nominated beneficiaries of teachers who die in, or after having been in, pensionable employment.

(2) Subject to paragraph (3), references in regulations E23 to E28 to a surviving spouse are references to a widow or widower; but in the case of—

- (a) a male teacher who has not been in pensionable employment, or paying additional contributions to purchase current added years under regulation C8, at any time after 5th April 1978; or
- (b) a female teacher who has not been in pensionable employment, or paying additional contributions to purchase current added years under regulation C8, at any time after 5th April 1988,

such references, and references to a widow or widower, do not include references to a person to whom a male or female teacher became married after his or her last day in pensionable employment or, as the case may be, the end of the period for which any such contributions were paid.

(3) References to a widower in regulations E23 to E28 do not include a widower of a teacher who was, before 6th April 1988, nominated by her as a beneficiary under regulation 65 of the 1977 Regulations.

(4) Where regulations E23 to E28 provide for a pension to be payable to a widow and there are two or more widows, the widows shall be entitled to an equal share of the pension; and where the death of one or more widows occurs, the survivor shall be entitled in full to the pension payable under those regulations, or, in the case of survivors, they shall be entitled to an equal share.

(5) References in regulations E23 to E28 to a teacher's child are to a person who is—

- (a) his child or adopted child; or
- (b) accepted by him as a member of the family,

who is wholly or mainly dependent on him and who is a child within the meaning given in paragraphs (6) to (8).

(6) Subject to paragraphs (7) and (8), for the purposes of regulations E22 to E28 a person is a child while he is unmarried and—

- (a) he has not attained the age of 17; or
- (b) having attained that age, he is receiving full-time education or attending a course of not less than 2 years' full-time training for a trade, profession or calling; or

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- (c) having not attained the age of 19, he is not in remunerative full-time work and is not entitled to income support by reason that he is receiving relevant education for the purposes of section 20 of the Social Security Act 1986(1); or
- (d) having ceased while incapacitated to fall within sub-paragraph (a), (b) or (c), he continues to be incapacitated.

(7) For the purposes of paragraph (6)(b) a person is to be treated as not attending a course of training while he is receiving disqualifying income.

(8) Disqualifying income is remuneration at a rate not less than the annual rate at which an official pension, within the meaning of the Pensions (Increase) Act 1971(2), would for the time being be payable if it had begun, and first qualified for increases under that Act, on 1st April 1972 and had then been payable at an annual rate of £250.

(9) References in regulations E23 to E28 to a nominated beneficiary are to a person nominated under regulation 65 of the 1977 Regulations (including a spouse of a female teacher nominated by her before 6th April 1988) or regulation E22.

(1) 1986 c. 50; section 20 was amended by the Social Security Act 1988 (c. 7), sections 3 and 4, by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 2, by the Social Security Act 1989 (c. 24), sections 5(1) and 13 and Schedule 8, paragraph 15(1).

(2) 1971 c. 56.