
STATUTORY INSTRUMENTS

1992 No. 280

The Teachers' Superannuation (Scotland) Regulations 1993

PART E

BENEFITS

Entitlement to long-term family benefits

E25.—(1) Long-term pensions are payable in accordance with paragraphs (5) and (6) if a teacher dies who—

- (a) has been in pensionable employment at any time after 31st March 1972; and
- (b) has relevant service amounting to at least 2 years,

but in the case of a teacher who ceased to be in pensionable employment before 6th April 1988 sub-paragraph (b) has effect with the substitution for “2 years” of “5 years”.

(2) Relevant service does not include any period in respect of which contributions made by the teacher have been returned and not repaid to the Secretary of State in pursuance of regulation C13.

(3) In the case of a male teacher, and in the case of a woman teacher in relation to a nominated beneficiary, relevant service comprises, subject to paragraph (2)—

- (a) any period of pensionable employment after 31st March 1972;
- (b) any period beginning after that date for which additional contributions have been paid under regulation C8 (current added years);
- (c) any period for which additional contributions have been paid under regulation C3 or C5(1) (past added years) in accordance with an election made after 31st March 1974;
- (d) if a transfer value has been received in respect of comparable British service, the period that would, immediately before its receipt, have counted for family benefits in the relevant superannuation scheme;
- (e) any period counting as reckonable service by virtue of the receipt of any other transfer value under regulation F3 or under the Teachers Superannuation (Added Years and Interchange) (Scotland) Regulations 1974(1);
- (f) any period counting as reckonable service by virtue of regulation 6A of the 1977 Regulations(2);
- (g) any period counting as reckonable service by virtue of regulation 29 of the 1977 Regulations (special provisions relating to period from 1st December 1973 to 31st March 1974);
- (h) any period in respect of which family benefit contributions have, or are to be treated as having, been paid under Part I of Schedule 6; and

(1) [S.I. 1974/1135](#), revoked by [S.I. 1977/1360](#).

(2) Regulation 6A was inserted by [S.I. 1977/1808](#).

- (i) in the case of a member, so much of his credited service as does not exceed the total of his normal service and any additional period, and in addition any period that fell to be calculated in accordance with paragraph 6(3) of Schedule 6.
- (4) In relation to a woman teacher not falling within paragraph (3), relevant service comprises, subject to paragraph (2)–
- (a) so much of the periods described in paragraph (3)(a), (b) and (d) as consists of, or is attributable to, service after 5th April 1988;
 - (b) any period for which additional contributions have been paid under regulation C3 (past added years) in accordance with an election made after 5th April 1988;
 - (c) any period in respect of which family benefit contributions have, or are to be treated as having, been paid under Part II of Schedule 6; and
 - (d) if she entered pensionable employment after 5th April 1988, and a transfer value offered in respect of her was accepted under regulation F3, any period counting as reckonable service by virtue of the transfer value.
- (5) If paragraph (1) applies–
- (a) subject to paragraph (7) a long-term pension shall be payable to any surviving spouse;
 - (b) if a nomination under regulation 65 of the 1977 Regulations or under regulation E22 had effect at the time of death, a long-term pension shall be payable to the nominated beneficiary; and
 - (c) if a pension is payable under sub-paragraph (a) or (b) and the deceased is survived by a child or children of his, a long-term pension shall be payable to or for the benefit of the child or, as the case may be, the children jointly.
- (6) If when a teacher dies paragraph (5) does not apply but he–
- (a) has been in pensionable employment at any time after 31st March 1972; and
 - (b) is qualified for retiring allowances; and
 - (c) is survived by a child or children of his,
- a long-term pension shall be payable to or for the benefit of the child or, as the case may be, the children jointly.
- (7) Subject to paragraphs (8) and (9), no long-term pension is payable to a widower if one is payable to another person as a nominated beneficiary.
- (8) If the other person was nominated as a beneficiary by a married woman teacher under regulation 65 of the 1977 Regulations, and she has not revoked that nomination, in addition to the long-term pension payable to that person under paragraph (5)(b) there shall be payable to the widower a long-term pension calculated in accordance with regulation E26(7).
- (9) Subject to paragraph (10) and regulation E26(7), if neither paragraph (5) nor paragraph (8) applies but the deceased had a guaranteed minimum in relation to benefits under these Regulations and leaves a surviving spouse, subject to regulation E1(2)(c) or (d) a long-term pension shall be payable.
- (10) If a contributions equivalent premium is paid by the Secretary of State, paragraph (9) is to be treated as not having applied.
- (11) Paragraph (12) applies where two or more teachers, by virtue of this regulation, confer on the same child or, as the case may be, children, entitlement to a long-term pension.
- (12) The child or, as the case may be, children shall be entitled to receive payment of the long-term pension in respect of not more than two teachers; but where entitlement derives from the relevant service of three or more teachers, the child or, as the case may be, children shall be entitled to receive

payment of the long-term pension in respect of the two teachers whose relevant service provides pensions of the largest amounts.