

SCHEDULE 6

Regulations C10, C13, E30 and E31

FAMILY BENEFITS

PART I

CONTRIBUTIONS: MEN AND UNMARRIED WOMEN

1.—(1) In this Part—

“the Fund” means the Teachers' Family Benefits Fund established by regulation 37 of the 1965 Family Benefit Regulations(1) and continued by regulation 13 of the 1971 Family Benefit Regulations(2);

“member” means a man who—

- (a) has been employed in pensionable employment at any time after 31st March 1972;
- (b) immediately before 1st April 1972 had service counting for benefit within the meaning of regulation 37 of the 1971 Family Benefit Regulations; and
- (c) has not received a repayment of contributions paid by him under the 1965 Family Benefit Regulations or the 1971 Family Benefit Regulations; and

“non member” means a man other than a member, who—

- (a) has been employed in pensionable employment at any time after 31st March 1972; and
- (b) is entitled to count a period that ended before 1st April 1972 as reckonable service.

(2) A member's normal contributions are the contributions paid by him under regulation 6 of the 1965 Family Benefit Regulations or regulation 25 of the 1971 Family Benefit Regulations, and his normal service is the period in respect of which he paid them.

(3) A member's additional contributions are any contributions paid by him under regulation 9 of the 1965 Family Benefit Regulations or under regulation 26 or 27 of the 1971 Family Benefit Regulations, and the additional period is the period in respect of which he elected to pay them.

(4) A member's deemed normal service is two-thirds of any service before 1st April 1972 in respect of which the full amount of normal contributions was held in the Fund immediately before that date.

(5) A member's deemed additional service is

$$\frac{A \times B}{C},$$

where—

A is the factor ascertained from Table 1 below;

B is the amount of the additional contributions held in the Fund immediately before 1st April 1972; and

C is the annual rate of his salary at that time.

(1) S.I. 1965/680, revoked by S.I. 1967/901.

(2) S.I. 1971/1775, revoked by S.I. 1977/1360.

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TABLE 1

<i>Age at last birthday before 1st April 1972</i>	<i>Factor</i>	<i>Age at last birthday before 1st April 1972</i>	<i>Factor</i>
18	21.4	40	50.3
19	23.9	41	50.2
20	26.2	42	50.0
21	28.4	43	49.8
22	30.6	44	49.6
23	32.6		
24	34.5	45	49.4
		46	49.3
25	36.3	47	49.2
26	38.0	48	49.1
27	39.6	49	49.0
28	41.1		
29	42.6	50	49.0
		51	49.0
30	43.9	52	49.0
31	45.2	53	48.9
32	46.4	54	48.9
33	47.4		
34	48.4	55	48.8
		56	48.8
35	49.2	57	48.7
36	49.8	58	48.7
37	50.0	59	48.6
38	50.2		
39	50.3	60 and over	48.6

(6) A member’s credited service is 165.6 per cent of the total of his deemed normal service and any deemed additional service.

(7) References in this Part to “Method I”, “Method II” and “Method III” are references to the Methods so designated in the 1965 Family Benefit Regulations.

2.—(1) Subject to sub-paragraph (3) and paragraph 4, a member who elected to pay additional contributions by Method I or Method II may elect to pay family benefit contributions in respect of all or part of a period not exceeding in length the difference between his credited service and the total of the additional period and his normal service.

(2) Subject to sub-paragraph (3) and paragraph 4, a member who elected to pay additional contributions by Method III may by an election under this paragraph—

- (a) revoke the earlier election; or
- (b) revoke the earlier election and elect to pay family benefit contributions in respect of the additional period or part of it; or
- (c) vary the earlier election so as to relate to part only of the additional period and elect to pay family benefit contributions in respect of the remaining part.

(3) The period in respect of which a member elects to pay family benefit contributions as mentioned in sub paragraph (1) or (2) is not to exceed—

$$A - \left(B + \frac{5 \times (C - B)}{6} \right).$$

where—

A is the length of reckonable service attributable to any period that ended before 1st April 1972;

B is the total length of his normal service and the additional period; and

C is the length of his credited service.

(4) A member may elect to pay family benefit contributions in respect of all or part of any period in respect of which he could have elected, but did not elect, to pay additional contributions.

3. Subject to paragraph 4, a non member or an unmarried woman may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period that ended before 1st April 1972.

4.—(1) A man who has become entitled to payment of retirement benefits may not make an election under paragraph 2 or 3.

(2) An election under paragraph 2 or 3 must—

- (a) be made by giving written notice to the Scottish Ministers within the period specified in sub paragraphs (3) to (5);
- (b) specify the period in respect of which it is made; and
- (c) specify the rate at which family benefit contributions are to be paid, which must comply with paragraph 13(2) and (3),

and has effect from the date on which the notice is received by the Scottish Ministers, and, except as provided in paragraph 13(4), is irrevocable.

(3) Subject to sub-paragraph (4), a man may only make an election under paragraph 2 or 3 within 6 months after—

- (a) his marriage while in pensionable employment; or
- (b) his returning to pensionable employment after becoming married while not in such employment; or
- (c) where he is a person who was not continuously employed in pensionable employment for a period of 6 months during either of the periods mentioned in sub paragraph (4)(a) or (b) and ceases to be employed within 6 months of his returning to such employment, his returning again to such employment; or
- (d) his nomination of a beneficiary under regulation E27,

whichever occurs first.

(4) An election under paragraph 2 or 3 may be made by—

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- (a) a member who was not continuously employed in pensionable employment for 6 months or more after 31st October 1974 and before 31st July 1977; or
- (b) a non member who was not continuously in such employment for 6 months or more after 8th January 1974 and before 1st August 1977,

only within 6 months after returning to pensionable employment.

(5) A woman may only make an election under paragraph 3 within 6 months after nominating a beneficiary.

5.—(1) Where a person has made an election under paragraph 2(2) or (4) or paragraph 3, the period during which, subject to paragraph 13(7) to (10), the family benefit contributions are to be paid (“the payment period”) is to be ascertained from, or where the period in respect of which the election was made is not an exact number of years by extrapolation from, Table 2 below.

TABLE 2

<i>Age on date from which contributions are payable</i>	<i>Period in years for which contributions are to be paid in respect of each year of election period</i>								
	<i>Rate of contributions</i>								
	1%	2%	3%	4%	4%	6%	7%	8%	9%
32 or under	3.15	1.58	1.05	.79	.63	.525	.45	.395	.35
33–37	3.20	1.60	1.07	.80	.64	.535	.46	.40	.355
38–42	3.30	1.65	1.10	.82	.66	.55	.47	.41	.365
43–47	3.35	1.68	1.12	.84	.67	.56	.48	.42	.37
48 and over	3.40	1.70	1.13	.85	.68	.565	.485	.425	.375

(2) Where a man has made an election under paragraph 2(1), the payment period is, subject to paragraph 13(7) to (10), 5/6ths of the period ascertained in accordance with sub-paragraph (1).

6.—(1) This paragraph applies where a member who elected to pay additional contributions by Method III has not revoked that election, and he—

- (a) dies in pensionable employment leaving a widow or having nominated a beneficiary under regulation E27; or
- (b) becomes qualified for retirement benefits while married or after nominating a beneficiary.

(2) Where this paragraph applies, there is to be deducted from the appropriate terminal sum an amount of—

$$\frac{A \times B}{100} \times \frac{5 \times C}{6}$$

where—

A is the member’s pensionable salary;

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B is the factor ascertained from Table 3 below; and
C is the period calculated in accordance with sub paragraph (3).

TABLE 3

<i>Age</i>	<i>Factor</i>
39 or over	3.8
40 to 49	3.7
50	3.6
51	3.6
52	3.6
53	3.6
54	3.5
55	3.5
56	3.5
57	3.4
58	3.4
59	3.3
60	3.3
61	3.2
62	3.1
63	3.1
64 and over	3.0

(3) The period is

$$\{D + E\} - \{F + G + H\}.$$

where

D is the additional period in respect of which he elected to pay contributions by Method III, together with any additional period for which he elected to pay contributions by Method I or II;

E is his normal service;

F is his credited service;

G is any period or periods for which he has elected to pay family benefit contributions under paragraph 2; and

H is any additional period in respect of which he elected to pay contributions by Method I or II, less his credited service in respect of deemed additional service attributable to contributions so paid, and less any period for which he has elected under paragraph 2(1) to pay family benefit contributions.

7.—(1) Subject to sub-paragraphs (2) and (3), a member or non-member who—

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- (a) is not in pensionable employment and has become entitled to payment of retirement benefits; and
 - (b) would otherwise have been able to make an election under paragraph 2 or 3,
- may make a corresponding election under this paragraph.

(2) An election under this paragraph—

- (a) must be made by giving written notice to the Scottish Ministers within 6 months after the date on which the man became entitled to payment of retirement benefits;
- (b) must specify the period in respect of which it is made; and
- (c) is irrevocable.

(3) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum of—

$$\frac{A}{100} \times (B \times C)$$

where—

- A is the annual rate at which his salary was last payable;
 - B is the length, expressed in years and any fraction of a year, of the period in respect of which the election was made; and
 - C is the factor ascertained from Table 4 below,
- but where the election made corresponds to one that could have been made under paragraph 2(1), B is reduced by 1/16th.

TABLE 4

<i>Age on date of election</i>	<i>Factor</i>
32 or under	3.15
33–37	3.20
38–42	3.30
43–47	3.35
48 and over	3.40

8.—(1) This paragraph applies where—

- (a) a member or non-member dies before becoming entitled to payment of retirement benefits; and
- (b) he has not made an election under paragraph 2 or 3, but could still have done so if he had not died; and
- (c) he leaves a widow.

(2) Where this paragraph applies the widow may, subject to sub paragraph (3), elect to pay family benefit contributions in respect of a period comprising all or part of so much of the deceased’s reckonable service as would otherwise not count in the calculation of family benefits.

(3) An election under this paragraph—

- (a) must be made by giving written notice to the Scottish Ministers within 3 months after the death;
- (b) must specify the period in respect of which it is made;

- (c) must result in a total of not less than 2 years' reckonable service counting in the calculation of family benefits; and
 - (d) ceases to have effect if the family benefit contributions are not paid within 3 months after its date.
- (4) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum which is the actuarial equivalent of the contributions that would have been payable by the deceased if—
- (a) he had made an election under paragraph 2, or as the case may be paragraph 3, in respect of the same period; and
 - (b) notice of that election had been given on the day before his death and had specified as the rate at which family benefit contributions were to be paid the maximum allowed by paragraph 13(2) and (3).

PART II

CONTRIBUTIONS: MARRIED WOMEN

9.—(1) Subject to sub paragraph (3) and paragraph 10, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period—

- (a) that ended before 1st April 1972; or
- (b) for which contributions have been paid under regulation C5 or C7,

or attributable to the receipt, before 6th April 1988, of a transfer value.

(2) Subject to sub-paragraph (3) and paragraph 10, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period that—

- (a) began after 31st March 1972 and ended before 6th April 1988; and
- (b) would otherwise not count in calculating any pension becoming payable to her widower.

(3) Where an election is made in respect of a part only of any service, the part must consist of one or more whole years.

(4) The election conditions are that she is married, and either—

- (a) is in pensionable employment; or
- (b) ceased after 5th April 1988 and before 1st January 1990 to be so employed and immediately became entitled to payment of retirement benefits.

10.—(1) An election under paragraph 9(1) or (2)—

- (a) must be made by giving written notice to the Scottish Ministers within the period specified in sub-paragraphs (3) to (5);
- (b) must specify the period in respect of which it is made;
- (c) must state whether the contributions are to be paid by Method A (periodical payments) or by Method B (lump sum);
- (d) if the contributions are to be paid by Method A, must specify the rate at which they are to be paid, which must comply with paragraph 13(2) and (3);
- (e) has effect from the date on which the notice is received by the Scottish Ministers; and
- (f) except as provided in paragraph 13(4), is irrevocable.

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(2) Where a woman's pensionable employment is part-time the reference in sub-paragraph (1) (d) to the rate at which contributions are to be paid is a reference to the rate as a percentage of the woman's full-time equivalent salary.

(3) The period within which an election may be made is one of 6 months beginning on the relevant date.

(4) Where paragraph 9(4)(b) applies, the relevant date is 1st July 1989; in any other case, subject to sub paragraph (5), the relevant date is the first date after 30th June 1989 on which the election conditions are satisfied.

(5) If, during the period of 6 months beginning on that first date, the election conditions cease to be satisfied, the relevant date becomes the first date on which they are again satisfied.

(6) A woman who could make an election under paragraph 9(2) may only make one under paragraph 9(1) if, and at the same time as, she elects under paragraph 9(2) to pay family benefit contributions in respect of the whole of the reckonable service there mentioned.

(7) Where elections are made both under paragraph 9(1) and under paragraph 9(2), they must specify the same method of payment.

(8) Payment may not in any case be made by Method A if—

- (a) the payment period would be less than one year; or
- (b) she is not in pensionable employment.

11.—(1) Subject to sub-paragraph (2), where payment is to be made by Method A the payment period is to be ascertained from, or where the period in respect of which the election was made is not an exact number of years by extrapolation from, Table 5 below.

TABLE 5

<i>Rate of Contributions</i>	Period in years for which contributions are to be paid in respect of each year of period specified in election	
	<i>Election under paragraph 9(1)</i>	<i>Election under paragraph 9(2)</i>
1 per cent	1.45	0.42
2 per cent	0.69	0.20
3 per cent	0.46	0.14
4 per cent	0.33	0.10
5 per cent	0.27	0.08
6 per cent	0.22	0.07
7 per cent	0.18	0.06
8 per cent	0.16	0.05
9 per cent	0.14	0.04

(2) If the period ascertained in accordance with sub paragraph (1) ("the Table period") does not end with the last day of a month, the payment period ends with the last day of the month in which the Table period ends.

(3) Where payment is to be made by Method B the lump sum payable, which must be payable within 3 months after its amount is notified by the Scottish Ministers, is—

- (a) for each year of service in respect of which an election was made under paragraph 9(1), 1.25 per cent, and
- (b) for each year of service in respect of which an election was made under paragraph 9(2), 0.4 per cent,

of the appropriate amount, and pro rata for any period of less than a year.

- (4) The appropriate amount is—
 - (a) where the woman was in pensionable employment when the election took effect, the annual rate of her salary at that time; and
 - (b) in any other case, her pensionable salary.

12.—(1) The widower of a woman who—

- (a) died during the period beginning on 6th April 1988 and ending with 31st December 1989 without having made an election under paragraph 9; and
- (b) either was in pensionable employment when she died or had ceased during that period to be so employed,

may make a corresponding election under this paragraph.

- (2) A married woman who—
 - (a) ceased to be in pensionable employment during the period mentioned in sub-paragraph (1); and
 - (b) on ceasing to be so employed did not immediately become entitled to payment of retirement benefits,

may make a corresponding election under this paragraph if the conditions in sub paragraph (3) are satisfied.

- (3) The conditions are that—
 - (a) she did not again enter pensionable employment; and
 - (b) she has become entitled to payment of retirement benefits.

(4) Where a woman to whom sub paragraphs (2) and (3) would otherwise have applied dies before becoming entitled to payment of retirement benefits, her widower may make a corresponding election under this paragraph.

- (5) An election under this paragraph—
 - (a) must be made by giving written notice to the Scottish Ministers within the appropriate period;
 - (b) must specify the period in respect of which it is made; and
 - (c) is to be treated as an election to make payment by Method B.

- (6) The appropriate period is—
 - (a) where sub paragraph (1) applies, the period beginning on 1st July 1989 and ending with 31st December 1989;
 - (b) where sub paragraphs (2) and (3) apply, 6 months from the date on which she became entitled to payment of retirement benefits; and
 - (c) where sub paragraph (4) applies, 3 months from the date of her death.

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PART III

COMMON PROVISIONS

13.—(1) This paragraph applies where—

- (a) an election is made under paragraph 2 or 3; or
- (b) an election is made under paragraph 9 to pay family contributions by Method A.

(2) The rate at which family benefit contributions are to be paid, and any higher rate substituted by an election under sub paragraph (4), must be an integral percentage, not in any case exceeding 9, of the teacher's salary.

(3) If the teacher is paying additional contributions to purchase past added years under regulation C5 or C7, or towards the provision of a pension otherwise than under these Regulations, sub paragraph (2) has effect with the substitution for "9" of the number obtained by deducting from 9 the percentage rate of those contributions.

(4) The election may at any time be varied by an election to pay the family benefit contributions at a specified higher rate.

(5) An election under sub paragraph (4) must be made by giving written notice to the Scottish Ministers, and has effect from the first day of the month following that in which the notice is received by them.

(6) The payment period begins on the first day of the month following that in which it is notified to the person by the Scottish Ministers.

(7) If after the start of the payment period there is an interval of more than 30 days during which the person is not in pensionable employment or paying additional contributions to purchase current added years under regulation C8—

- (a) the interval is not part of the payment period; but
- (b) the end of the payment period is postponed by the length of the interval.

(8) If after the start of the payment period the teacher becomes employed part-time in pensionable employment, the length of the payment period is increased by so much of the period of part-time employment as does not count as reckonable service.

(9) If the original election is varied by one made under sub paragraph (4) ("the further election"), the length of the payment period is reduced to—

$$A - \left(\frac{B}{C} \times D \right),$$

where—

A is what the length of the payment period would have been if the increased rate had been specified in the original election;

B is the rate specified in the original election;

C is the increased rate; and

D is the period from the start of the payment period to the effective date of the further election.

(10) The contributions—

- (a) are payable from the start of the payment period;
- (b) continue to be payable while the teacher is in pensionable employment or paying additional contributions to purchase current added years under regulation C8; and
- (c) cease to be payable if the teacher dies or becomes entitled to retirement benefits before the end of the payment period.

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14.—(1) This paragraph—

- (a) applies where family benefit contributions to which paragraph 13 applies cease to be payable before the end of the payment period; and
- (b) has effect subject to paragraph 15.

(2) Where the teacher paying the contributions dies before attaining the age of 60, or (whether or not he or she later re-enters employment in reckonable service) becomes entitled to payment of retirement benefits by virtue of regulation E6(1)(c)—

- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made; but
- (b) part of the payment period falls after his or her 60th birthday, the actuarial equivalent of the contributions that would have been payable during that part is to be deducted from the appropriate terminal sum.

(3) Where the teacher dies, or becomes entitled to payment of retirement benefits, after attaining the age of 60—

- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made; but
- (b) there is to be deducted from the appropriate terminal sum an amount of—

$$A \times \frac{B}{100} \times C.$$

where—

A is the annual rate at which his or her salary was last payable;

B is the rate at which the contributions were last payable; and

C is the multiplier ascertained from, or if the remainder of the payment period is not an exact number of years by extrapolation from, Table 6 below.

TABLE 6

<i>Years in remainder of payment period</i>	<i>Multiplier</i>
1	0.990
2	1.961
3	2.913
4	3.846
5	4.760
6	5.657
7	6.536
8	7.398
9	8.244
10	9.072
11	9.884
12	10.681
13	11.461

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<i>Years in remainder of payment period</i>	<i>Multiplier</i>
14	12.227
15	12.977
16	13.713
17	14.434
18	15.141
19	15.835
20	16.514

(4) Where the teacher becomes entitled to payment of retirement benefits by virtue of regulation E6—

- (a) he or she may, by giving written notice to the Scottish Ministers within 3 months after the end of his or her pensionable employment, elect to pay a lump sum which is the actuarial equivalent of the contributions that would have been payable during the remainder of the payment period;
- (b) if he or she does so elect, on payment of the lump sum contributions are to be treated as having been paid in respect of the whole of the period in respect of which the original election was made; and
- (c) if he or she does not so elect, contributions are to be treated as having been paid in respect of—

$$D \times \frac{E}{F}$$

where—

D is the period in respect of which the original election was made;

E is the period during which contributions were paid; and

F is the payment period.

15. Where—

- (a) a deduction has fallen to be made under paragraph 14(2) or (3) or an election has been made under paragraph 14(4); and
- (b) there is then a retrospective increase in the teacher's salary; and
- (c) the consequent recalculation of the amount of the deduction or lump sum and of the appropriate terminal sum results in a greater increase in the amount of the deduction or lump sum than in the terminal sum,

the teacher, or as the case may be his or her widow or widower or a beneficiary nominated under regulation E27, may notify the Scottish Ministers in writing that the amount of the deduction made is not to be increased.