

SCHEDULE 6

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).