

SCHEDULE 13

Regulation E20

SURRENDER OF PART OF RETIREMENT PENSION

PART I

LIMITS ON AMOUNT SURRENDERED

- 1.—(1) The part of the retirement pension surrendered on any occasion—
 - (a) must be an exact number of pounds, and
 - (b) must secure for the beneficiary a pension of at least £39 per annum.
- (2) The surrendered part must not, together with any parts previously surrendered—
 - (a) exceed the lower of—
 - (i) the amount which would result in the reduction of the retirement pension to less than the rate of the pension which would become payable to the beneficiary under this Schedule, or
 - (ii) one third of the retirement pension, or where regulation E14 (former teachers) applies one third of the retirement pension receivable after reduction under that regulation, or
 - (b) be of an amount which would result in the reduction of the retirement pension to less than any minimum rate of equivalent pension benefits applicable under the Insurance Acts, or
 - (c) where the person’s local government employment is or was contracted-out employment, be of an amount which would result in the retirement pension—
 - (i) becoming payable at an annual rate less than that obtained by multiplying one eightieth of his pensionable remuneration by the length in years of the whole period of his service in contracted-out employment, or
 - (ii) being, but for regulation E1(3), less than his guaranteed minimum if any.
2. Where the person falls within regulation E20(2)(b), references in paragraph 1 to the retirement pension are references to the retirement pension which would become payable if he were to cease to hold his employment on the day on which the surrender takes effect.

PART II

PROCEDURE

3. Upon a person’s first becoming eligible to notify his wish to surrender part of his retirement pension the appropriate administering authority shall send him a notice stating that provision has been made by these Regulations for the surrender of part of a retirement pension to a spouse or dependant and informing the person to whom the notice is addressed that he may on application to the authority obtain further information on the subject.
4. Where a person wishes to make a surrender he may—
 - (a) in the case of a pensionable employee who on ceasing to hold his employment becomes entitled to a retirement pension (in this Schedule referred to as “a retiring employee”), not more than 2 months before or within one month after the date on which he ceases to be employed; and
 - (b) in the case of a pensionable employee who would, if he were to retire from his employment, become entitled to a retirement pension (in this Schedule referred to as “a continuing

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employee”), within 2 months before or at any time after becoming a continuing employee and while he is still employed;

notify his desire to surrender a part of that retirement pension by completing a copy of the form specified at the end of this Schedule, or a form to the like effect, and sending it to the appropriate administering authority:

Provided that where the appropriate administering authority are satisfied that it has not been reasonably practicable for a retiring employee to notify his desire to surrender a part of a retirement pension within the time limit imposed by sub-paragraph (a) owing to circumstances beyond his control, they may at their discretion extend that limit to a date not more than 6 months after the date on which he ceases to be employed.

5. On receipt by the appropriate administering authority of a notification given by a person under paragraph 4, that authority shall—

- (a) forthwith arrange for the person to be examined by a registered medical practitioner nominated by them and for a report to be given to them by the practitioner stating whether, in his opinion, the person is in good health, regard being had to his age; and if the opinion stated in such report is that the person is not in good health, the appropriate administering authority shall notify him accordingly and offer him an opportunity of a further examination by some other registered medical practitioner nominated by them with a view to that practitioner reporting to them on the state of the person’s health; and
- (b) require the person to furnish at his own expense—
 - (i) a certificate of his birth, except where the date of birth has been duly recorded by the authority and is not disputed;
 - (ii) in respect of a beneficiary who is the person’s spouse, a birth certificate and a marriage certificate;
 - (iii) in respect of a beneficiary who is a dependant, a birth certificate and such evidence as may be appropriate to prove dependency,

and any other information or evidence which the authority consider necessary:

Provided that, if for any reason a birth or marriage certificate cannot be supplied, the authority may accept such other evidence of birth or marriage as they think fit in order to determine the age or the question of marriage of the person concerned, as the case may be.

6. Any fee payable to a practitioner in respect of an examination and report under paragraph 5 shall be paid by the person examined at the time of the examination.

7.—(1) Subject to the provisions of this Schedule, unless the appropriate administering authority are of the opinion, on consideration of a report obtained by them under paragraph 5, that the person to whom the report relates is not in good health or they are of the opinion that the evidence produced in regard to marriage or dependency is not satisfactory, they shall allow the surrender of such part of the retirement pension as is specified in the person’s notification and as is in conformity with this Schedule and shall grant to the beneficiary named in the notification a pension, payable in the event of the beneficiary’s surviving the person and to be calculated in accordance with regulation E20(4):

Provided that a decision by an appropriate administering authority to allow a surrender by a retiring employee shall not be made before the date on which he ceases to be employed and a decision by an appropriate administering authority to allow a surrender by a continuing employee shall not be made before the date on which he becomes such an employee.

(2) Notwithstanding anything in sub-paragraph (1), the appropriate administering authority shall, if they are dissatisfied with the evidence of marriage, but are nevertheless satisfied on the evidence already before them or after making such further enquiries as they think necessary that a person named as spouse in the notification given under paragraph 4 is a dependant of the person who gave

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the notification, treat the notification as if the person named therein as spouse had been named as a dependant of the person giving the notification.

(3) As soon as is reasonably practicable after coming to a decision in regard to a notification given by a person, the appropriate administering authority shall notify him that they have allowed a surrender in favour of the person named in his notification or that they have decided not to allow a surrender of any part of the retirement pension, as the case may be, and if the appropriate administering authority have allowed a surrender they shall also furnish him with a statement as to the amount of the pension to which the beneficiary may become entitled after his death and, if the person who gave the notification under paragraph 4 is a retiring employee, with a statement as to the amount of the reduced retirement pension to which he is entitled.

(4) A notification of a decision not to allow a surrender shall state the grounds for the decision.

(5) A notification sent to an employee in pursuance of sub-paragraph (3) shall, if it has been posted in a prepaid envelope addressed to the employee by the appropriate administering authority, be deemed to have been received by the employee at the time at which a letter would be delivered in the ordinary course of post.

8. A person who has given a notification of his desire to surrender a part of his retirement pension under paragraph 4 may cancel or amend the notification by a notice in writing addressed to the appropriate administering authority and posted in a prepaid envelope to, or left at, the principal office of the authority at any time before he has received notification from the authority that his surrender has been allowed.

9.—(1) A notification given by a person under paragraph 4 shall become null and void if—

- (a) the beneficiary dies before the person receives notification from the appropriate administering authority that his surrender has been allowed; or
- (b) the person dies at any time before midnight on the day on which the appropriate administering authority decide to allow the surrender.

(2) Subject as aforesaid, a surrender allowed in pursuance of a notification given by a person shall have effect as from the date on which the person ceases to hold his employment.

FORM OF NOTIFICATION OF SURRENDER LOCAL GOVERNMENT
SUPERANNUATION (SCOTLAND) REGULATIONS (Regulation E20 and
Schedule 13) SURRENDER OF PART OF RETIREMENT PENSION

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To(a)

Name of employing authority or former employing authority

Particulars relating to person desiring to make the surrender

- (a) Name in full.....
(b) Date of birth.....
(c) Address (private).....

Particulars relating to beneficiary

- (a) Name in full.....
(b) Date of birth.....
(c) Address (private).....
(d) Sex
(e) Relationship of beneficiary to person desiring to make the surrender
(f) If the beneficiary is spouse of person desiring to make the surrender, date of marriage

A.(b) In pursuance of paragraph 4(a) of Schedule 13 to the above-mentioned Regulations, I hereby notify my desire to surrender in favour of the above-named beneficiary the under-mentioned part of the retirement pension to which, on 19...., I became/expect to become(c) entitled to receive payments in respect thereof.

B.(b) In pursuance of paragraph 4(b) of Schedule 13 to the above-mentioned Regulations, I hereby notify my desire to surrender in favour of the above-named beneficiary the under-mentioned part of the retirement pension to which, if I were to retire immediately/on 19....(c), I would become entitled.

Table with 2 columns: £, p. Rows include: (1) Amount of retirement pension to be surrendered(d), (2) Amount of retirement pension expected after deduction of amount surrendered(e), (3) Pension to beneficiary expected in return for amount surrendered(f).

Signature
Date

(a) Insert name of local authority administering the superannuation fund.
(b) Delete paragraph A or B, whichever does not apply.
(c) Delete the word or words which do not apply.
(d) This must be an exact number of pounds.
(e) This must not be less than the pension payable under the above-mentioned Regulations to the beneficiary.
(f) This must not be less than £39.