
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 393

The Teachers' Superannuation (Scotland) Regulations 2005

PART E

BENEFITS

Enhancement of retirement benefits in case of incapacity

E10.—(1) Subject to paragraph (2), this regulation applies to a teacher who has become entitled to payment of retirement benefits by virtue of regulation E6(1)(c) by reason of his or her becoming incapacitated while employed in pensionable employment, but only if—

- (a) —
 - (i) where his or her pensionable employment terminates before 1st October 2001, he or she had completed periods of the kind described in Schedule 8 totalling at least 5 years, excluding any period in respect of which contributions have been returned to him or her and not repaid to the Scottish Ministers; or
 - (ii) where his or her pensionable employment terminates on or after 1st October 2001, he or she had completed periods of the kind described in Schedule 8 totalling at least 2 years, excluding any period in respect of which contributions have been returned to him or her and not repaid to the Scottish Ministers; and
- (b) the application for payment of retirement benefits under regulation E6(1)(c) is made within 12 months after the end of his or her pensionable employment or such longer period as may be approved by the Scottish Ministers.

(2) In relation to a teacher who was in part time service which was pensionable employment, this regulation shall not apply unless the aggregate of the periods of contract of employment during which the part time service was given and the period of full time service, if any, extends to at least 5 years, where pensionable employment terminates before 1st October 2001 and 2 years where pensionable employment terminates after that date.

(3) Subject to regulation E35(2), for the purpose of calculating his or her retirement benefits the effective reckonable service of a teacher to whom this regulation applies shall be treated as having been increased by the appropriate period.

(4) If the teacher's relevant service amounts to at least 2 years but less than 10 years, the appropriate period is the shorter of—

- (a) the length of that teacher's relevant service; and
- (b) the period beginning when that teacher's pensionable employment ended and ending immediately before his or her 65th birthday, or, if he or she is entitled to retirement benefits by virtue of regulation E6(1)(e) and subsequently becomes entitled to retirement benefits by virtue of regulation E6(1)(c) with reference to his or her reckonable service in further employment which is pensionable by virtue of regulation B9, his or her 60th birthday.

(5) If his or her relevant service amounts to 10 years or more, the appropriate period is the longer of periods A and B.

(6) Period A is the shortest of–

- (a) the period by which his or her relevant service falls short of 40 years;
- (b) the period beginning when his or her pensionable employment ended and ending immediately before his or her 60th birthday; and
- (c) 6 years and 243 days.

(7) Period B is so much of the period beginning when that teacher’s pensionable employment ended and ending immediately before his or her 65th birthday as would not cause his or her effective reckonable service to be increased to more than 20 years.

(8) A teacher’s relevant service is so much of his or her effective reckonable service as does not consist of periods that count by virtue of regulation D3.

(9) For the purposes of this regulation a teacher is to be treated as having been in pensionable employment during any period for which he or she was paying additional contributions under regulation C8 or C9.