

EXECUTIVE NOTE

THE TEACHERS' SUPERANNUATION (SCOTLAND) AMENDMENT REGULATIONS 2005 SSI/2005/543

The above instrument is made in exercise of the powers conferred by sections 9, 12 and 24 of, and Schedule 3 to the Superannuation Act 1972. These powers have been devolved to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750). The Instrument is subject to negative resolution procedure.

Policy Objectives

This instrument makes amendments to the Teachers' Superannuation (Scotland) Regulations 2005 ("the 2005 Regulations"), the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996 ("the 1996 Regulations") and the Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995 ("the 1995 Regulations").

The Civil Partnership Act 2004 (c.33), which comes into force on 5 December 2005, introduces the new status of "civil partner" where same sex couples form a legal civil partnership and this instrument makes provision for civil partners to receive similar pension rights as are provided to married couples.

The main changes to the 2005 Regulations are outlined at 1-5 and the main changes to the other Regulations are outlined at 6 and 7 below:

1. Surviving civil partners will be able to receive payment of a death or deficiency grant on the death of their civil partner.
2. Pensions for surviving civil partners will be backdated at no cost to the member to 6 April 1988 or to the start of the member's pensionable service if this commences after this date. Provision is also made for civil partners to purchase service prior to 6 April 1988, on similar terms as were available to female members in respect of widowers in 1988.
3. Provision is made to permit a member to allocate part of his or her pension to a civil partner.
4. Provision is made for a pension to be paid in certain circumstances to a surviving civil partner of a teacher who has a guaranteed minimum (within the meaning of the Pensions Schemes Act 1993).
5. Provision is made for pension sharing to have effect on the dissolution of a civil partnership.
6. The 1996 Regulations are amended to include provision for short and long term compensation to be paid to the surviving civil partner of a teacher.

7. In the 1995 Regulations amendments are made to include a civil partner in the definition of a dependant, to provide that certain lump sum payments and dependent's pensions can be paid to a surviving civil partner and for pension sharing to apply on dissolution of a civil partnership.

Consultation

The Regulations have been the subject of consultation with local authorities and other employers of teachers and lecturers, with representatives of teachers, and with other Government Departments. Responses were supportive of civil partner inclusion in the Scottish Teachers' Superannuation Scheme.

Financial effects

An assessment of the financial impact to public sector pension schemes was included in the regulatory impact assessment published with the Civil Partnership Act 2004. The impact from the cost of extending survivor benefits to include civil partners and from providing survivor benefits on the basis of service from 1988 depends on the take-up rate of civil partnerships. The final Regulatory Impact Assessment for the Civil Partnership Act 2004 can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.

Scottish Public Pensions Agency
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