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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 217**

**The Teachers' Pension Scheme (Scotland) Regulations 2014**

**PART 6**

Survivor's benefits

CHAPTER 1

General interpretation

**General**

**123.** In this Part—

“member” means a member other than a pension credit member;

“survivor's benefits” means any of the following—

- (a) a death grant;
- (b) a survivor's pension;

“survivor's pension” means a surviving adult pension, additional (surviving adult) pension or child pension.

**When a retirement pension does not become payable**

**124.** For the purpose of this Part—

- (a) an ill-health pension does not become payable before D's death unless the initial payment of the pension is made before D's death;
- (b) an ill-health pension that does become payable before D's death but ceases to be payable under regulation 111 or 115 is taken not to become payable before D's death; and
- (c) a phased retirement pension that does become payable before D's death but ceases to be payable under regulation 94 does not become payable before D's death.

**Meaning of “dies in service”**

**125.—(1)** A member (D) dies in service for the purpose of survivor's benefits if—

- (a) D dies while in pensionable service;
- (b) D dies while on non-pensionable family leave immediately following a period of pensionable service;
- (c) as at the date of D's death, an election under regulation 24 has effect or is taken to have effect; or
- (d) paragraph (2) applies.

**(2)** This paragraph applies if—

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- (a) D dies within 12 months after leaving pensionable service in all eligible employment because P was incapacitated; and
- (b) a retirement pension other than a phased retirement pension does not become payable in relation to that service before D's death.

**Meaning of “dies out of service”**

**126.** A member (D) dies out of service for the purpose of survivor's benefits if—

- (a) D does not die in service; or
- (b) D does not die as a pensioner member.

**Meaning of “dies as a pensioner member”**

**127.** In this Part, a member (D) dies as a pensioner member if a retirement pension becomes payable before D's death.

**Payment of survivor benefits for post-benefit service**

**128.** For the purpose of calculating survivor benefits in respect of a member's period of post-benefit service, the member (D) is taken to have entered pensionable service for the first time when D entered the period of post-benefit service.

**Death of a dual capacity member**

**129.** The annual rate of a survivor's pension applies to the surviving adult or eligible child of a dual capacity member in relation to each of the member's capacities.