
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 217

The Teachers' Pension Scheme (Scotland) Regulations 2014

PART 6

Survivor's benefits

CHAPTER 2

Specific interpretation

Meaning of "death grant beneficiary"

- 130.**—(1) For the purpose of a death grant, a person (P) is a "death grant beneficiary" if—
- (a) P is an individual;
 - (b) the member has nominated P to receive a death grant or a share of a death grant on the member's death; and
 - (c) at the date of the member's death, the nomination has effect.
- (2) A member may nominate P by giving written notice to the scheme manager.
- (3) The nomination ceases to have effect if—
- (a) the member revokes the nomination by giving written notice to the scheme manager;
 - (b) the member subsequently nominates a different person in place of P; or
 - (c) P dies.
- (4) If a member nominates more than one death grant beneficiary, the notice must state—
- (a) the share of the death grant to be paid to each beneficiary; and
 - (b) whether, if a beneficiary dies before the member, the beneficiary's share must be paid—
 - (i) to the surviving beneficiaries in accordance with paragraph (5); or
 - (ii) to the member's executors as part of the member's estate.
- (5) If a beneficiary's share is to be paid to the surviving beneficiaries, it is to be paid to them in shares such that the proportion which each surviving beneficiary's share bears to each of the other surviving beneficiaries' shares is the same as it was in the nomination.

Meaning of "surviving adult"

- 131.**—(1) For the purpose of a death grant, the "surviving adult" of a member who has died means the member's—
- (a) surviving spouse;
 - (b) surviving civil partner; or
 - (c) surviving nominated partner.

(2) For the purpose of a survivor’s pension, the “surviving adult” of a member who has died means the member’s—

- (a) surviving spouse;
- (b) surviving civil partner;
- (c) surviving nominated partner; or
- (d) surviving nominated beneficiary.

Meaning of “surviving nominated partner”

132.—(1) For the purpose of a survivor’s pension, a member’s partner (P) is a “surviving nominated partner” if—

- (a) the member has nominated P to receive a pension on the member’s death; and
- (b) at the date of the member’s death—
 - (i) the nomination has effect; and
 - (ii) the conditions in paragraph (3) were satisfied for a continuous period of at least 2 years ending on that date.

(2) A member may nominate P by giving the scheme manager a written declaration signed by both the member and P stating that the conditions in paragraph (3) are satisfied.

(3) The conditions are that—

- (a) the member is able to marry or form a civil partnership with P;
- (b) the member and P are living with each other as if they were a married couple or civil partners;
- (c) neither the member nor P is living with a third person as if they were a married couple or civil partners; and
- (d) the member and P are financially interdependent or P is financially dependent on the member.

(4) A nomination ceases to have effect if—

- (a) the member or P revokes the nomination by giving written notice to the scheme manager;
- (b) the member makes a subsequent nomination under this regulation;
- (c) any condition in paragraph (3) ceases to be satisfied; or
- (d) P dies.

Meaning of “surviving nominated beneficiary”

133.—(1) For the purpose of a survivor’s pension, a person (P) is a member’s “surviving nominated beneficiary” if—

- (a) the member has nominated P to receive a pension on the member’s death; and
- (b) at the date of the member’s death—
 - (i) the nomination has effect; and
 - (ii) the conditions in paragraph (3) are satisfied.

(2) A member may nominate P by giving the scheme manager a written notice signed by both the member and P stating that the conditions in paragraph (3) are satisfied.

(3) The conditions are that—

- (a) a retirement pension (other than phased retirement pension) has not become payable to the member;
 - (b) P is an individual;
 - (c) neither the member nor P is married nor in a civil partnership;
 - (d) P is not living with another person as if they were a married couple or civil partners;
 - (e) P is not an eligible child of the member;
 - (f) if P is the member's parent, brother or sister—
 - (i) P has never married nor formed a civil partnership; or
 - (ii) P is widowed or a surviving civil partner;
 - (g) if P is the member's step-parent, P is widowed or a surviving civil partner; and
 - (h) P is wholly or mainly financially dependent on the member.
- (4) A nomination ceases to have effect if—
- (a) the member or P gives written notice of revocation to the scheme manager;
 - (b) any condition in paragraph (3) ceases to be satisfied;
 - (c) the member makes a subsequent nomination under this regulation; or
 - (d) P dies.

Meaning of “eligible child”

- 134.**—(1) In these Regulations, a person is the “eligible child” of a member who dies (D) if—
- (a) the person—
 - (i) is D's child and was born before D died or within 12 months after D's death;
 - (ii) was adopted by D; or
 - (iii) was accepted by D as a member of D's family and was wholly or mainly financially dependent on D at the date of D's death;
 - (b) the person has never married or formed a civil partnership; and
 - (c) the person meets Condition 1, 2 or 3.
- (2) Condition 1 is that the person is under 17.
- (3) Condition 2 is that the person—
- (a) is 17 or over and under 23;
 - (b) is receiving full-time education; and
 - (c) since reaching the age of 17, has received full-time education without a break.
- (4) Condition 3 is that the person—
- (a) is incapable of earning a livelihood by reason of physical or mental impairment;
 - (b) because of that impairment, was dependent on D at the date of the D's death; and
 - (c) is not wholly maintained out of money provided by the UK Parliament or the Scottish Parliament or by council tax levied by a local authority.
- (5) For the purpose of Condition 2—
- (a) a person is receiving full-time education if the person attends a full-time vocational training course which runs for a period of at least 2 years;

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- (b) a person does not cease to receive full-time education if the person takes a single break of up to a year (or such longer period as the scheme manager may determine in the circumstances of the particular case); and
- (c) a person who ceases to receive full-time education is taken to receive it up to and including the week which includes whichever of the following days occurs first after the end of the term in which the person ceases to receive it—
 - (i) the first Monday in January;
 - (ii) the first Monday after Easter Monday;
 - (iii) the first Monday in September.