
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 292

**The Teachers' Pension Scheme
(Scotland) (No. 2) 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 25 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 D 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.