SCHEDULE 10

ALLOCATION OF PART OF RETIREMENT PENSION

PART III

OTHER MATTERS

7.—(1) Subject to sub-paragraphs (2) to (6), a declaration shall take effect as such on the day on which it is delivered to the Secretary of State.

(2) A declaration shall not have effect before the teacher's relevant birthday.

(3) A declaration shall not have effect if either the teacher making it or the person for whose benefit the allocation was to be made dies before the material time.

(4) In the case of a declaration made by a retiring employee, the material time shall be the later of–

(a) the day after that on which the declaration is delivered; and

(b) the day before that on which he becomes entitled to payment of retiring allowances.

(5) In any other case the material time shall be the day on which the declaration is delivered.

(6) A declaration may be revoked or varied by a further declaration delivered–

(a) in the case of a retiring employee, before the day on which he becomes entitled to payment of retiring allowances; and (b)in any other case, before the day on which the original declaration is delivered.

8.—(1) An allocation takes effect on the day on which the person making it becomes entitled to payment of retiring allowances.

(2) For the purposes of sub-paragraph (1), if a teacher other than a retiring employee dies in pensionable employment after his declaration has taken effect, he shall be taken to have become entitled to payment of retiring allowances on the date of his death.

9.—(1) If notice of intention has been given under paragraph 3 and by the later of–

(a) the date of the teacher's becoming entitled to retiring allowances; and

(b) his relevant birthday,

no declaration has been delivered, then, from the later of those dates until he has either delivered a declaration or failed to satisfy the Secretary of State as mentioned in paragraph 5(3), ⅓ of his retirement pension may be withheld.

(2) Any resulting underpayment or overpayment shall be adjusted in due course.

10.—(1) If after a retiring employee has delivered a declaration the rate of his retirement pension is increased, otherwise than under the Pensions (Increase) Act 1971(**1**), the part allocated shall be correspondingly increased.

(2) Sub-paragraph (1) applies even if the increase in the retirement pension takes effect from a date earlier than the date of delivery of the declaration.

(3) The corresponding increase in the part allocated, which shall be rounded down to the nearest pound, takes effect from the same date as the increase in the retirement pension.

(**1**) 1971 c. 56.

(4) If the alternative benefit is the one described in regulation E12(2)(b) (annuity for declarant followed by annuity for surviving spouse), the resulting increase in the first of those annuities shall take effect from the same date as the increase in the retirement pension.

11. If after a person has delivered a declaration the rate of his retirement pension is reduced, the declaration continues to have effect but the part allocated shall be reduced to any extent necessary to secure that the restrictions in paragraph 1(2) are still complied with.