

SCHEDULE 6

Regulations C11, E28

FAMILY BENEFITS

PART I

CONTRIBUTIONS: MEN AND UNMARRIED WOMEN

1.—(1) In this Part—

“the Fund” means the Teachers' Family Benefits Fund established by regulation 15 of the 1966 Regulations and continued by regulation 15 of the 1970 Regulations;

“member” means a man who—

- (a) has been in pensionable employment at any time after 31st March 1972, and
- (b) immediately before 1st April 1972 had service counting for benefit within the meaning of regulation 40 of the 1970 Regulations, and
- (c) has not received a repayment of contributions paid by him under the 1966 Regulations or the 1970 Regulations; and

“non-member” means a man, other than a member, who—

- (a) has been in pensionable employment at any time after 31st March 1972, and
- (b) is entitled to count a period that ended before 1st April 1972 as reckonable service.

(2) A member’s normal contributions are the contributions paid by him under regulation 27 of the 1966 Regulations or under regulation 27 of the 1970 Regulations, and his normal service is the period in respect of which he paid them.

(3) A member’s additional contributions are any contributions paid by him under regulation 28 of the 1966 Regulations or under regulation 28 or 29 of the 1970 Regulations, and the additional period is the period in respect of which he elected to pay them.

(4) A member’s deemed normal service is two thirds of any service before 1st April 1972 in respect of which the full amount of normal contributions was held in the Fund immediately before that date.

(5) A member’s deemed additional service is

$$\frac{A \times B}{C}$$

where—

A is the factor ascertained from Table 1 below,

B is the amount of the additional contributions held in the Fund immediately before 1st April 1972, and

C is the annual rate of the member’s salary at that time.

TABLE

<i>Age at last birthday before 1st April 1972</i>	<i>Factor</i>	<i>Age at last birthday before 1st April 1972</i>	<i>Factor</i>
18	23.8	40	55.9
19	26.5	41	55.8

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<i>Age at last birthday before 1st April 1972</i>	<i>Factor</i>	<i>Age at last birthday before 1st April 1972</i>	<i>Factor</i>
20	29.1	42	55.6
21	31.6	43	55.3
22	34.0	44	55.1
23	36.2	45	54.9
24	38.3	46	54.8
25	40.3	47	54.7
26	42.2	48	54.6
27	44.0	49	54.5
28	45.7	50	54.5
29	47.3	51	54.4
30	48.8	52	54.4
31	50.2	53	54.3
32	51.5	54	54.3
33	52.7	55	54.2
34	53.8	56	54.2
35	54.7	57	54.1
36	55.3	58	54.1
37	55.6	59	54.0
38	55.8	60 and over	54.0
39	55.9		

(6) A member’s credited service is 165.6% of the total of his deemed normal service and any deemed additional service.

(7) References in this Part to “Method I”, “Method II” and “Method III” are references to the Methods so designated in the 1966 Regulations and the 1970 Regulations.

2. Paragraphs 3 and 4 have effect subject to paragraph 5.

3.—(1) Subject to sub-paragraph (3), a member who elected to pay additional contributions by Method I or Method II may elect to pay family benefit contributions in respect of all or part of a period not exceeding in length the difference between his credited service and the total of the additional period and his normal service.

(2) Subject to sub-paragraph (3), a member who elected to pay additional contributions by Method III may by an election under this paragraph—

- (a) revoke the earlier election, or
- (b) revoke the earlier election and elect to pay family benefit contributions in respect of the additional period, or part of it, or
- (c) vary the earlier election so as to relate to part only of the additional period and elect to pay family benefit contributions in respect of the remaining part.

(3) The period in respect of which a member elects to pay family benefit contributions as mentioned in sub-paragraph (1) or (2) is not to exceed—

$$A - \left( B - \frac{5 \times (C - B)}{6} \right),$$

where

A is the length of reckonable service attributable to any period that ended before 1st April 1972,

B is the total length of his normal service and the additional period, and

C is the length of his credited service.

(4) A member may elect to pay family benefit contributions in respect of all or part of any period in respect of which he could have elected, but did not elect, to pay additional contributions.

4. A non-member or an unmarried woman may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period that ended before 1st April 1972.

5.—(1) A man who has become entitled to payment of retirement benefits may not make an election under paragraph 3 or 4.

(2) An election under paragraph 3 or 4—

(a) must be made by giving written notice to the Secretary of State within the period specified in sub-paragraphs (3) to (5),

(b) must specify the period in respect of which it is made,

(c) must specify the rate at which family benefit contributions are to be paid, which must comply with paragraph 14(2) and (3),

(d) has effect from the date on which the notice is received, and,

(e) except as provided in paragraph 14(4), is irrevocable.

(3) Subject to sub-paragraph (4), a man may only make an election under paragraph 3 or 4 within 6 months after—

(a) his marriage while in pensionable employment, or

(b) his returning to pensionable employment after becoming married while not in such employment, or

(c) where sub-paragraph (4) had become applicable, his returning to pensionable employment after ceasing to be in such employment within 6 months after the previous return, or

(d) his nomination of a beneficiary under regulation E23,

whichever occurs first.

(4) An election under paragraph 3 or 4 may be made by—

(a) a member who was not continuously in pensionable employment for 6 months or more after 30th April 1974 and before 1st January 1977, or

(b) a non-member who was not continuously in pensionable employment for 6 months or more after 26th June 1973 and before 1st January 1977,

only within 6 months after returning to pensionable employment.

(5) A woman may only make an election under paragraph 4 within 6 months after nominating a beneficiary.

6.—(1) Where a person has made an election under paragraph 3(2) or (4) or paragraph 4, the period during which, subject to paragraph 14(7) to (10), the family benefit contributions are to be

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paid (“the payment period”) is to be ascertained from, or where the period in respect of which the election was made is not an exact number of years by extrapolation from, Table 2 below.

**TABLE 2**

<i>Age on date from which contributions are payable</i>	<i>Period in years for which contributions are to be paid in respect of each year of election period</i>								
	<i>Rate of contributions</i>								
	1%	2%	3%	4%	5%	6%	7%	8%	9%
27 and under	2.90	1.45	0.97	0.73	0.58	0.48	0.41	0.36	0.32
28—37	2.95	1.48	0.98	0.74	0.59	0.49	0.42	0.37	0.33
38—42	3.00	1.50	1.00	0.75	0.60	0.50	0.43	0.375	0.335
43—47	3.05	1.52	1.02	0.76	0.61	0.51	0.435	0.38	0.34
48 and over	3.10	1.55	1.03	0.77	0.62	0.52	0.44	0.39	0.345

(2) Where a man has made an election under paragraph 3(1) the payment period is, subject to paragraph 14(7) to (10), 5/6ths of the period ascertained in accordance with sub-paragraph (1).

7.—(1) This paragraph applies where a member who elected to pay additional contributions by Method III has not revoked that election, and he—

- (a) dies in pensionable employment leaving a widow or having nominated a beneficiary under regulation E23, or
- (b) becomes qualified for retirement benefits while married or after nominating a beneficiary.

(2) Where this paragraph applies, there is to be deducted from the appropriate terminal sum an amount of

$$\frac{A \times B}{100} \times \frac{5 \times C}{6},$$

where—

- A is the member’s average salary,
- B is the factor ascertained from Table 3 below, and
- C is the period calculated in accordance with sub-paragraph (3).

**TABLE 3**

<i>Age</i>	<i>Factor</i>
39 or under	3.5
40 to 49	3.4
50	3.3

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<i>Age</i>	<i>Factor</i>
51	3.3
52	3.3
53	3.2
54	3.2
55	3.2
56	3.1
57	3.1
58	3.1
59	3.0
60	3.0
61	3.0
62	3.0
63 and over	2.9

(3) The period is

$$(D + E) - (F + G + H),$$

where—

D is the additional period in respect of which the member elected to pay contributions by Method III, together with any additional period for which he elected to pay contributions by Method I or II,

E is his normal service,

F is his credited service,

G is any period or periods for which he has elected to pay family benefit contributions under paragraph 3, and

H is any additional period in respect of which he elected to pay contributions by Method I or II, less his credited service in respect of deemed additional service attributable to contributions so paid, and less any period for which he has elected under paragraph 3(1) to pay family benefit contributions.

**8.—(1)** Subject to sub-paragraphs (2) and (3), a member or non-member who—

(a) is not in pensionable employment and has become entitled to payment of retirement benefits, and

(b) would otherwise have been able to make an election under paragraph 3 or 4,

may make a corresponding election under this paragraph.

(2) An election under this paragraph—

(a) must be made by giving written notice to the Secretary of State within 6 months after the date on which the man became entitled to payment of retirement benefits,

(b) must specify the period in respect of which it is made, and

(c) is irrevocable.

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(3) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum of—

$$\frac{A}{100} \times (B \times C)$$

where—

A is the annual rate at which the man’s contributable salary was last payable,

B is the length, expressed in years and any fraction of a year, of the period in respect of which the election was made, and

C is the factor ascertained from Table 4 below,

but where the election made corresponds to one that could have been made under paragraph 3(1), B is reduced by 1/6th.

**TABLE 4**

<i>Age on date of election</i>	<i>Factor</i>
27 and under	2.90
28—37	2.95
38—42	3.00
43—47	3.05
48 and over	3.10

9.—(1) This paragraph applies where—

- (a) a member or non-member dies before becoming entitled to payment of retirement benefits, and
- (b) he has not made an election under paragraph 3 or 4, but could still have done so if he had not died, and
- (c) he leaves a widow.

(2) Where this paragraph applies the widow may, subject to sub-paragraph (3), elect to pay family benefit contributions in respect of a period comprising all or part of so much of the deceased’s reckonable service as would otherwise not count in the calculation of family benefits.

(3) An election under this paragraph—

- (a) must be made by giving written notice to the Secretary of State within 3 months after the death,
- (b) must specify the period in respect of which it is made,
- (c) must result in a total of not less than 5 years’ reckonable service counting in the calculation of family benefits, and
- (d) ceases to have effect if the family benefit contributions are not paid within 3 months after its date.

(4) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum which is the actuarial equivalent of the contributions that would have been payable by the deceased if—

- (a) he had made an election under paragraph 3, or, as the case may be, paragraph 4, in respect of the same period, and

- (b) notice of that election had been given on the day before his death and had specified as the rate at which family benefit contributions were to be paid the maximum allowed by paragraph 14(2) and (3).

## PART II

### CONTRIBUTIONS: MARRIED WOMEN

**10.**—(1) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period—

- (a) that ended before 1st April 1972, or
- (b) for which contributions have been paid under regulation C4, C6, C9 or C10,

or attributable to the acceptance before 6th April 1988 of a transfer value.

(2) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service not falling within sub-paragraph (1) which is attributable to a period that—

- (a) began after 31st March 1972 and ended before 6th April 1988, and
- (b) would otherwise not count in calculating any pension becoming payable to her widower.

(3) Where an election is made in respect of a part only of any service, the part must consist of one or more whole years.

(4) The election conditions are that she is married, and either—

- (a) is in pensionable employment, or
- (b) ceased after 5th April 1988 and before 1st April 1989 to be in such employment and immediately became entitled to payment of retirement benefits.

**11.**—(1) An election under paragraph 10(1) or (2)—

- (a) must be made by giving written notice to the Secretary of State within the period specified in sub-paragraphs (2) to (4),
- (b) must specify the period in respect of which it is made,
- (c) must state whether the contributions are to be paid by Method A (periodical payments) or by Method B (lump sum),
- (d) if the contributions are to be paid by Method A, must specify the rate at which they are to be paid, which must comply with paragraph 14(2) and (3),
- (e) has effect from the date on which the notice is received by the Secretary of State, and
- (f) except as provided in paragraph 14(4), is irrevocable.

(2) Where a woman's pensionable employment is part-time, the reference in sub-paragraph (1) (d) to the rate at which contributions are to be paid is a reference to the rate as a percentage of the woman's full-time equivalent salary.

(3) The period within which an election may be made is one of 6 months beginning on the relevant date.

(4) Where paragraph 10(4)(b) applies, the relevant date is 1st October 1988; in any other case, subject to sub-paragraph (5), the relevant date is the first date after 30th September 1988 on which the election conditions were or are satisfied.

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(5) If during the period of 6 months beginning on that first date the election conditions ceased or cease to be satisfied, the relevant date becomes the first date on which they were or are again satisfied.

(6) A woman who could make an election under paragraph 10(2) may only make one under paragraph 10(1) if, and at the same time as, she elects under paragraph 10(2) to pay family benefit contributions in respect of the whole of the reckonable service there mentioned.

(7) Where elections are made both under paragraph 10(1) and under paragraph 10(2) they must specify the same method of payment.

(8) Payment may not in any case be made by Method A if—

- (a) the payment period would be less than one year, or
- (b) the woman is not in pensionable employment.

**12.**—(1) Subject to sub-paragraph (2), where payment is to be made by Method A the payment period is to be ascertained from, or, where the period in respect of which the election was made is not an exact number of years, by extrapolation from, Table 5 below.

**TABLE 5**

<i>Rate of Contributions</i>	<i>Period in years for which contributions are to be paid in respect of each year of period specified in election</i>	
	<i>Election under paragraph 10(1)</i>	<i>Election under paragraph 10(2)</i>
1%	1.45	0.42
2%	0.69	0.20
3%	0.46	0.14
4%	0.33	0.10
5%	0.27	0.08
6%	0.22	0.07
7%	0.18	0.06
8%	0.16	0.05
9%	0.14	0.04

(2) If the period ascertained in accordance with sub-paragraph (1) (“the Table period”) does not end with the last day of a month, the payment period ends with the last day of the month in which the Table period ends.

(3) Where payment is to be made by Method B, the lump sum payable, which must be paid within 3 months after its amount is notified by the Secretary of State, is—

- (a) for each year of service in respect of which an election was made under paragraph 10(1), 1.25%, and
- (b) for each year of service in respect of which an election was made under paragraph 10(2), 0.4%,

of the appropriate amount, and pro rata for any period of less than a year.

(4) The appropriate amount is—



- (a) where the woman was in pensionable employment when the election took effect, the annual rate of her contributable salary at that time, and
- (b) in any other case, her average salary.

**13.—(1)** The widower of a woman who—

- (a) died during the period beginning on 6th April 1988 and ending with 31st March 1989 without having made an election under paragraph 10, and
- (b) either was in pensionable employment when she died or had ceased during that period to be in such employment,

may make a corresponding election under this paragraph.

**(2)** A married woman who—

- (a) ceased to be in pensionable employment during the period mentioned in sub-paragraph (1), and
- (b) on ceasing to be in such employment did not immediately become entitled to payment of retirement benefits,

may make a corresponding election under this paragraph if the conditions in sub-paragraph (3) are satisfied.

**(3)** The conditions referred to in sub-paragraph (2) are that—

- (a) the woman did not again enter pensionable employment, and
- (b) she has become entitled to payment of retirement benefits.

**(4)** Where a woman to whom sub-paragraphs (2) and (3) would otherwise have applied dies before becoming entitled to payment of retirement benefits, her widower may make a corresponding election under this paragraph.

**(5)** An election under this paragraph—

- (a) must be made by giving written notice to the Secretary of State within the appropriate period,
- (b) must specify the period in respect of which it is made, and
- (c) is to be treated as an election to make payment by Method B.

**(6)** The appropriate period referred to in sub-paragraph (5)(a) is—

- (a) where sub-paragraph (1) applies, the period beginning on 1st October 1988 and ending with 31st March 1989,
- (b) where sub-paragraphs (2) and (3) apply, 6 months from the date on which the woman became entitled to payment of retirement benefits, and
- (c) where sub-paragraph (4) applies, 3 months from the date of her death.

## PART III

### CONTRIBUTIONS: COMMON PROVISIONS

**14.—(1)** This paragraph applies where—

- (a) an election is made under paragraph 3 or 4, or
- (b) an election is made under paragraph 10 to pay family benefit contributions by Method A.

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(2) The rate at which family benefit contributions are to be paid, and any higher rate substituted by an election under sub-paragraph (4), must be an integral percentage, not in any case exceeding 9, of the person's contributable salary.

(3) In the case of a person who is paying additional contributions under regulation C4 or C6, or towards the provision of a pension otherwise than under these Regulations, sub-paragraph (2) has effect with the substitution for "9" of the number obtained by deducting from 9 the percentage rate of those contributions.

(4) The election may at any time be varied by an election to pay the family benefit contributions at a specified higher rate.

(5) An election under sub-paragraph (4) must be made by giving written notice to the Secretary of State, and has effect from the first day of the month following that in which the notice is received by him.

(6) The payment period begins on the first day of the month following that in which it is notified to the person by the Secretary of State.

(7) If after the start of the payment period there is an interval of more than 30 days during which the person is not in pensionable employment or paying additional contributions under regulation C9 or C10—

- (a) the interval is not part of the payment period, but
- (b) the end of the payment period is postponed by the length of the interval.

(8) If after the start of the payment period the person becomes employed in part-time pensionable employment, the length of the payment period is increased by so much of the period of part-time employment as does not count as reckonable service.

(9) If the original election is varied by one made under sub-paragraph (4) ("the further election") a new payment period begins on the effective date of the further election and the length of the new payment period is

$$A - \left( \frac{B}{C} \times D \right),$$

where—

A is what the length of the payment period would have been if the increased rate had been specified in the original election,

B is the rate specified in the original election,

C is the increased rate, and

D is the period from the start of the payment period to the effective date of the further election.

(10) The contributions—

- (a) are payable from the start of the payment period,
- (b) continue to be payable while the person is in pensionable employment or paying additional contributions under regulation C9 or C10, and
- (c) cease to be payable if he dies or becomes entitled to retirement benefits before the end of the payment period.

15.—(1) This paragraph—

- (a) applies where family benefit contributions to which paragraph 14 applies cease to be payable before the end of the payment period, and
- (b) has effect subject to paragraph 16.

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(2) Where the person paying the contributions dies before attaining the age of 60, or (whether or not he later re-enters pensionable employment) becomes entitled to payment of retirement benefits by virtue of regulation E4(4) (incapacity)—

- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made, but
- (b) if part of the payment period falls after his 60th birthday, the actuarial equivalent of the contributions that would have been payable during that part is to be deducted from the appropriate terminal sum.

(3) Where the person dies, or becomes entitled to payment of retirement benefits, after attaining the age of 60—

- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made, but
- (b) there is to be deducted from the appropriate terminal sum an amount of

$$\left( A \times \frac{B}{100} \right) \times C,$$

where—

A is the annual rate at which his contributable salary was last payable,

B is the rate at which the contributions were last payable, and

C is the multiplier ascertained from, or, if the remainder of the payment period is not an exact number of years, by extrapolation from, Table 6 below.

**TABLE 6**

<i>Years in remainder of payment period</i>	<i>Multiplier</i>
1	0.990
2	1.961
3	2.913
4	3.846
5	4.760
6	5.657
7	6.536
8	7.398
9	8.244
10	9.072
11	9.884
12	10.681
13	11.461
14	12.227
15	12.977
16	13.713

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<i>Years in remainder of payment period</i>	<i>Multiplier</i>
17	14.434
18	15.141
19	15.835
20	16.514

(4) Where the person becomes entitled to payment of retirement benefits by virtue of regulation E4(5) (redundancy, etc.)—

- (a) he may, by giving written notice to the Secretary of State within 3 months after the end of his pensionable employment, elect to pay a lump sum which is the actuarial equivalent of the contributions that would have been payable during the remainder of the payment period,
- (b) if he does so elect, on payment of the lump sum, contributions are to be treated as having been paid in respect of the whole of the period in respect of which the original election was made, and
- (c) if he does not so elect, contributions are to be treated as having been paid in respect of

$$D \times \frac{E}{F},$$

where—

- D is the period in respect of which the original election was made,
- E is the period during which contributions were paid, and
- F is the payment period.

16. Where—

- (a) a deduction has fallen to be made under paragraph 15(2) or (3) or an election has been made under paragraph 15(4), and
- (b) there is then a retrospective increase in the person’s contributable salary, and
- (c) the consequent recalculation of the amount of the deduction or lump sum and of the appropriate terminal sum results in a greater increase in the amount of the deduction or lump sum than in the terminal sum,

the person, or, as the case may be, his widow or widower or a beneficiary nominated under regulation E23, may notify the Secretary of State in writing that the amount of the deduction made or lump sum payable is not to be increased.

## PART IV

### FAMILY BENEFITS AND WAR SERVICE

17.—(1) In this Part—

- (a) any reference to regulations D5 or D6 is a reference to regulation D5 or D6 of the 1988 Regulations which continue to have effect for certain purposes by virtue of paragraph 12 of Schedule 15; and
- (b) “war service period” means a period which a person is entitled to count as reckonable service by virtue of regulation D5 or D6, and references to a person’s being notified are references to his being notified of the Secretary of State’s determination of a claim made under regulation D5 or D6.

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- (2) This Part does not apply—
- (a) if the person's family benefit service does not include all periods counting as reckonable service otherwise than by virtue of regulation D5 or D6, or
  - (b) if his war service period counts by virtue of regulation D5, his qualifying service for the purposes of that regulation was fire service or police service or Northern Ireland fire service or police service, and he died before 1st April 1975, or
  - (c) if his war service period counts by virtue of regulation D5, his qualifying service was National Health service or service in health and personal social services in Northern Ireland, and he died before 17th July 1975, or
  - (d) if his war service period counts by virtue of regulation D5, his qualifying service was local government service or Northern Ireland local government service, and he died before 1st April 1978.

**18.**—(1) Subject to paragraph 21, a person who was notified before becoming entitled to payment of retirement benefits may, by giving written notice to the Secretary of State within 3 months after the relevant date, elect that his war service period is to be included in his family benefit service.

- (2) The relevant date—
- (a) if he applied for payment of retirement benefits before becoming entitled to payment of them and before being notified, is the date on which he was notified, and
  - (b) in any other case, is the date on which he applied for payment of retirement benefits.

**19.** Subject to paragraph 21, a person who was notified after becoming entitled to payment of retirement benefits may, by giving written notice to the Secretary of State within 6 months after the date on which he was notified, elect that his war service period is to be included in his family benefit service.

**20.**—(1) If an election is made under paragraph 18 or 19 an additional contribution equal to the actuarial value of the war service period at 1st April 1978 becomes payable.

(2) In the case of an election under paragraph 18 the additional contribution is to be deducted from the appropriate terminal sum.

(3) In the case of an election under paragraph 19 the additional contribution may, without prejudice to any other method of recovery, be deducted from any death grant under regulation E20.

- 21.**—(1) If the person—
- (a) died before 15th February 1982, or
  - (b) has died before being notified, or
  - (c) has died after being notified and without having made an election under paragraph 18 or 19 but while still entitled to do so,

paragraphs 18 to 20 do not apply but 2/3rds of his war service period is included in his family benefit service.

(2) If the person died before 15th February 1982 this paragraph does not apply so as to reduce the amount of any family benefit.