

SCHEDULE 9

Regulations 96 and 99

Family benefit service

PART 1

Family Benefit Service: Adults

Pensions for widows and widowers with pre-1988 rights where marriage takes place before pensionable employment ceases and for surviving nominated beneficiaries

- 1.—(1) This paragraph applies where—
- (a) D's surviving adult is a widow or a widower with pre-1988 rights, and
 - (b) D was married to that person at any time before ceasing to be in pensionable employment.
- (2) This paragraph also applies where D's surviving adult is a surviving nominated beneficiary.
- (3) For the purpose of sub-paragraph (1) a person is to be treated as being in pensionable employment during a period in respect of which contributions under regulation C9 of TPR 1997 or regulation 19 are paid.
- (4) D's family benefit service is the total of the following—
- (a) the periods counting as D's reckonable service by virtue of the periods referred to in paragraph 1(2)(a) to (g) of Schedule 8 (pensions for widows, surviving nominated beneficiaries and widowers with pre-1988 rights);
 - (b) the period referred to in paragraph 1(2)(h) of Schedule 8;
 - (c) where D was a member, D's credited service and any period that fell to be calculated in accordance with paragraph 7(3) of Schedule 6 to TPR 1997;
 - (d) any period relating to war service in respect of which an additional contribution has been paid under regulation C8(8) of TPR 1997 (additional contributions in respect of war service) or Part 4 of Schedule 6 to those Regulations;
 - (e) any enhancement period calculated in accordance with paragraph 7.
- (5) If D's credited service exceeds the total of D's normal service and any additional period, for the purpose of sub-paragraph (4)(b), D's credited service must be reduced by one sixth of the excess.
- (6) In this paragraph, "additional period", "credited service", "member" and "normal service" have the same meanings as in paragraph 1 of Schedule 6 (family benefit contributions) to TPR 1997 (as if that paragraph were still in force).

Pensions for widows and widowers with pre-1988 rights where marriage takes place after pensionable employment ceases

- 2.—(1) This paragraph applies where—
- (a) D's surviving adult is a widow or a widower with pre-1988 rights, and
 - (b) D was not married to that person at any time before ceasing to be in pensionable employment.
- (2) For the purpose of sub-paragraph (1) a person is to be treated as being in pensionable employment during a period in respect of which contributions under regulation C9 of TPR 1997 or regulation 19 are paid.
- (3) D's family benefit service is the total of the following—

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- (a) any period counting as D's reckonable service by virtue of pensionable employment after 5th April 1978;
- (b) any period counting as D's reckonable service by virtue of a period beginning after 5th April 1978 in respect of which contributions have been paid under regulation C9 of TPR 1997 or regulation 19;
- (c) any period in respect of which additional contributions have been paid under Schedule 4 or 5 to TPR 1997 in accordance with an election made after 5th April 1978;
- (d) where a transfer value has been accepted from a comparable British scheme any period which consists of, or is attributable to, comparable British service after 5th April 1978;
- (e) where D entered pensionable employment after 5th April 1978 and a transfer value (other than one mentioned in paragraph (d)) has been accepted, any period counting as D's reckonable service by virtue of the acceptance of the transfer value;
- (f) so much of any period counting as D's reckonable service by virtue of an election under regulation 4 of the Teachers' Superannuation (Policy Schemes) Regulations 1979 as is attributable to service after 5th April 1978;
- (g) any enhancement period calculated in accordance with paragraph 7.

Pensions for widowers other than widowers with pre-1988 rights

3.—(1) This paragraph applies where D's surviving adult is a widower other than a widower with pre-1988 rights.

- (2) D's family benefit service is the total of the following—
 - (a) the periods counting as D's reckonable service by virtue of the periods referred to in paragraph 2(2)(a) to (e) of Schedule 8 (pensions for widowers other than widowers with pre-1988 rights);
 - (b) the period referred to in paragraph 2(2)(f) of Schedule 8;
 - (c) any enhancement period calculated in accordance with paragraph 7.

Pensions for surviving civil partners

- 4.—**(1) This paragraph applies where D's surviving adult is a surviving civil partner.
- (2) D's family benefit service is the total of the following—
 - (a) the periods counting as D's reckonable service by virtue of the periods referred to in paragraph 3(2)(a) to (e) of Schedule 8 (pensions for surviving civil partners);
 - (b) the period referred to in paragraph 3(2)(f) of Schedule 8;
 - (c) any enhancement period calculated in accordance with paragraph 7.

Pensions for surviving nominated partners

- 5.—**(1) This paragraph applies where D's surviving adult is a surviving nominated partner.
- (2) D's family benefit service is the total of the following—
 - (a) the periods counting as D's reckonable service by virtue of the periods mentioned in paragraph 4(2)(a) to (d) of Schedule 8 (pensions for surviving nominated partners);
 - (b) the period referred to in paragraph 4(2)(e) of Schedule 8;
 - (c) any enhancement period calculated in accordance with paragraph 7.

PART 2

Family Benefit Service: Children

6. D's family benefit service is the total of the following—
- (a) any period counting as D's reckonable service by virtue of any period of pensionable employment after 31st March 1972;
 - (b) any period beginning after 31st March 1972 in respect of which contributions have been paid under regulation C9 of TPR 1997 or regulation 19;
 - (c) any period in respect of which additional contributions have been paid under Schedule 4 or paragraphs 1 to 6 or 8 to 10 of Schedule 5 to TPR 1997 in accordance with an election made on or after 31st March 1974;
 - (d) where a transfer value has been accepted from a comparable British scheme, any period which would, immediately before its acceptance, have counted in the scheme for a pension for D's surviving adult;
 - (e) where a transfer value (other than one mentioned in paragraph (d)) has been accepted, any period counting as reckonable service by virtue of the acceptance of the transfer value;
 - (f) so much of any period counting as reckonable service by virtue of an election under regulation 4 of the Teachers' Superannuation (Policy Schemes) Regulations 1979 as is attributable to service after 31st March 1972;
 - (g) any period counting as reckonable service by virtue of regulation 34 of TSR 1976 (special provision relating to period from December 1973 to March 1974);
 - (h) any period of reckonable service in respect of which D paid contributions under Schedule 5 (family benefit contributions) for the purpose of making that period count for a pension for a widow, a widower with pre-1988 rights or a surviving nominated beneficiary;
 - (i) any period of reckonable service in respect of which D paid contributions under Schedule 5 (family benefit contributions) for the purpose of making that period count for a pension for a surviving adult and which does not fall within sub-paragraph (h);
 - (j) where D was a member, D's credited service and any period that fell to be calculated in accordance with paragraph 7(3) of Schedule 6 to TPR 1997, and in this sub-paragraph "credited service" and "member" have the same meaning as in paragraph 1 that Schedule (as if that paragraph were still in force).
 - (k) any period relating to war service in respect of which an additional contribution has been paid under regulation C8(8) of TPR 1997 (additional contributions in respect of war service) or Part 4 of Schedule 6 to those Regulations;
 - (l) any enhancement period calculated in accordance with paragraph 7.

PART 3

Supplemental

Enhancement period

7.—(1) This paragraph applies for the purpose of calculating an enhancement period if D dies in any of the following circumstances—

- (a) D dies in pensionable employment;
- (b) D dies during a period in respect of which D is paying additional contributions under regulation C9 of TPR 1997 or regulation 19;

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- (c) D ceases to be in pensionable employment because D is incapacitated and dies within 12 months after the cessation of the pensionable employment without returning to employment in a capacity mentioned in Schedule 2 and before a retirement pension or short-service serious ill-health grant in respect of the pensionable employment becomes payable;
 - (d) the period in respect of which D is paying contributions under regulation 19 ends because D is incapacitated, and D dies within 12 months after the end of that period without returning to employment mentioned in a capacity mentioned in Schedule 2 and before a retirement pension or short-service serious ill-health grant in respect of the pensionable employment becomes payable;
 - (e) D dies after a retirement pension enhanced under regulation E8 of TPR 1997 (enhancement of retirement benefits in case of incapacity) or a total incapacity pension became payable.
- (2) The enhancement period is the factor mentioned in sub-paragraph (6) x the period determined in accordance with the table in sub-paragraph (7).
- (3) But if the sum of the enhancement period determined in accordance with sub-paragraph (2) and the periods of D’s family benefit service (apart from any enhancement period) exceeds either of the periods specified in sub-paragraph (4), the enhancement period is the longest period which does not cause D’s family benefit service to exceed either of those periods.
- (4) The periods are—
- (a) 45 years, or
 - (b) 40 years before D reaches 60.
- (5) Where regulation 34 of TSR 1976 (special provisions relating to period from December 1973 to March 1974) applied to D the number of days which D was treated as having purchased is to be added to the period of 40 years referred to in sub-paragraph (4).
- (6) The factor is FBS/RRS or, where FBS/RRS is greater than 1, 1.
- (7) In sub-paragraph (6)—

FBS is D’s family benefit service apart from the enhanced period;
RRS is D’s relevant reckonable service.

<i>Length of D’s relevant reckonable service</i>	<i>Period</i>
Less than 10 years	Period 1.
10 years or more but less than 13 years 123 days	(a) Period 2.
13 years 123 days or more	The longer of— (b) Period 2, and (c) Period 3.

- 7.—(8) Period 1 is the shorter of—
- (a) D’s relevant reckonable service, and
 - (b) the period beginning when D’s pensionable employment ended and ending immediately before D’s 65th birthday.
- (9) Period 2 is the shorter of—
- (a) 20 minus D’s relevant reckonable service (in years), and
 - (b) the period beginning when D’s pensionable employment ended and ending immediately before D’s 65th birthday.
- (10) Period 3 is the shorter of—

- (a) 6 years 243 days, and
- (b) the period beginning when D's pensionable employment ended and ending immediately before D's 60th birthday.

(11) For the purpose of this paragraph, D's relevant reckonable service is D's reckonable service except reckonable service attributable to the following—

- (a) any past period in respect of which additional contributions have been paid in accordance with Part 2 of Schedule 4 of TPR 1997;
- (b) any past period, calculated in accordance with Schedule 7 of TPR 1997 in respect of which additional contributions have been paid in accordance with Part 1 of Schedule 4 to those Regulations or with Schedule 5 to those Regulations;
- (c) any period counting as reckonable service by virtue of regulation 34 of TSR 1976 (special provision relating to period from December 1973 to March 1974);
- (d) any period relating to war service which D could count as reckonable service by virtue of regulations 7 and 72(1)(a) of TSR 1976.

(12) For the purpose of this paragraph a person is to be treated as being in pensionable employment during a period in respect of which contributions under regulation C9 of TPR 1997 or regulation 19 are paid.

Enhancement period (further employment)

8.—(1) For the purpose of calculating benefits in respect of a period after D entered further employment, paragraph 7 (enhancement period) applies with the modifications in sub-paragraphs (4) to (7) if the condition in sub-paragraph (2) is satisfied.

(2) The condition in this sub-paragraph is satisfied if, before D entered the further employment, retirement benefits had become payable because Case E applied to D's reckonable service.

(3) Paragraph 7 (enhancement period) does not otherwise apply in relation to further employment.

(4) Omit the rows from the table except for the first.

(5) For sub-paragraph (8) substitute—

“(8) Period 1 is the shorter of—

- (a) D's relevant reckonable service in the further employment, and
- (b) the period beginning when the further employment ended and ending immediately before D's 60th birthday.”.

(6) Omit sub-paragraphs (9) and (10).

(7) Despite regulation 89 (family benefits (further employment)), the reference in sub-paragraph (3) of paragraph 7 to D's family benefit service is to be taken to be a reference to the total family benefit service attributable to employment before any further employment and to all further employment