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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the Teachers' Superannuation (Scotland) Regulations 1992 (S.I. 1992/280) ("the 1992 Regulations").

Regulation 1(2)(a) provides for regulation 12 to have retrospective effect from 1st September 2000. Retrospection is authorised by section 12(1) of the Superannuation Act 1972.

Regulation 3 amends the provisions relating to part-time service, so that a teacher is not in pensionable employment in respect of part-time teaching which is additional to full-time teaching. One effect of this is that a teacher's pensionable salary will not be greater than his full-time salary. There is however an exclusion from the amendment for teachers who are, and continue to be, in concurrent full time and part time service when these Regulations come into force, unless they elect for it to apply.

Regulation 4 removes the option whereby teachers could elect to purchase past added years by means of a lump sum payable in instalments, plus interest. This method of purchasing past added years is no longer available in England and Wales or in Northern Ireland, and has been rarely used in Scotland. There is however a saving provision (regulation 4(f)) for any ongoing cases.

Regulation 5 makes provision for benefits in respect of a teacher's guaranteed minimum pension rights to be paid at state retirement age and for benefits in respect of a teacher's section 9(2B) rights (namely, rights attributable to a teacher's service in contracted-out employment on or after 6 April 1997) to be paid at age 60 where he has transferred his accrued rights in excess of those benefits to a non-contracted-out pension scheme. Paragraphs (b) to (d) of regulation 10 are consequential upon this.

Regulation 6 amends the existing provisions in regulation E21, relating to family benefits in general, to ensure that a teacher's natural children must be born no later than 12 months after the date of death of the teacher (in order to be entitled to family benefits). A transitional provision (regulation 13) clarifies that this amendment only applies to any case where a teacher dies on or after 20th November 2000.

Regulations 7 and 8 amend the provisions in regulations G8 and G9 of the 1992 Regulations relating to actuarial reports on the teachers' Superannuation account. The amendments provide that each actuarial report is to be a report in relation to the account as at a date determined by the Scottish Ministers, and that each report must specify the rate at which contributions should be paid during a period beginning and ending on days specified by the Scottish Ministers. Regulation 9 makes special provision relating to the actuarial report as at 31st March 1996.

Paragraph (a) of regulation 10 clarifies the definition of "adviser", by removing the reference to the person being paid on a salary scale accepted as applicable to teachers.

Regulation 11 amends Schedule 3 so that, in calculating a teacher's maximum purchase of added years, benefits arising from additional voluntary contributions are taken into account as well as material benefits from former employment.

Regulation 12 amends the factors governing the proportion of pension and lump sum which is payable by the scheme, and consequently also the proportion which is payable by employers, in cases of early retirement. The new factors are the result of a review by the Government Actuary. The effect is that, in almost all cases, the scheme will pay a higher proportion.