
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 393

The Teachers' Superannuation (Scotland) Regulations 2005

PART H

FINANCE

Payment by employers to Scottish Ministers

H6.—(1) The employer of a teacher in pensionable employment shall pay to the Scottish Ministers, within 7 days after the end of each month—

- (a) all amounts due from the teacher that are deductible from his or her salary under regulation C15(1);
- (b) the contributions payable under regulation H3; and
- (c) the contributions payable in pursuance of an election under regulation H4,

in respect of the teacher's contributable salary for that month.

(2) Where the former employer (referred to in regulations C2(1) and H4 as "employer A") of a teacher in pensionable employment has made an election under regulation H4(3), that employer shall pay to the Scottish Ministers within 7 days after the end of each month the contributions payable in pursuance of the election.

(3) Where an employer has elected under regulation C5(3) to pay additional contributions in respect of a teacher, payment to the Scottish Ministers of the lump sum referred to in paragraph 10(1) of Schedule 4 shall be made within the period referred to in paragraph 10(2) of that Schedule.

(4) Where a teacher receives such an increase in contributable salary as is mentioned in regulation E34(13), the teacher's last employer before he or she became entitled to payment of retirement benefits ("the former employer") may make an election under paragraph (5).

(5) An election under this paragraph is an election to pay an additional contribution of $A - B - C$ where—

A is the actuarial value of the retirement benefits to which the teacher would be entitled calculated by reference to the salary he or she received;

B is the actuarial value of the retirement benefits to which the teacher would be entitled if he or she was treated as receiving the increase in his or her contributable salary referred to in regulation E34(11); and

C is the aggregate of contributions which would be repaid under regulation J6 if no election had been made.

(6) An election under paragraph (5) may be made by giving written notice to the Scottish Ministers no later than 6 weeks after the date on which the teacher became entitled to payment of retirement benefits.

(7) Where an election is made under paragraph (5) the payment to the Scottish Ministers under the election shall be made within 7 days after the date of the election.

(8) For the purposes of paragraph (1)—

- (a) all salaries shall be treated as being payable monthly in arrears;
- (b) any arrears payable by reason of a retrospective increase in contributable salary shall be treated as having become payable in the month in which they were paid.

(9) If the full amount of any payment required under paragraphs (1) or (2) or under an election under paragraph (5) is not paid by the end of the period referred to in the relevant paragraph, interest shall be payable by the employer or former employer, as the case may be, on the amount outstanding at the interest rate specified in paragraph (10) compounded with monthly rests from the day after the end of the relevant period to the date of payment; but the Scottish Ministers may in any particular case waive the payment of interest.

- (10) For the purposes of paragraph (9) the interest rate is—
- (a) 12 per cent per annum in relation to all amounts and contributions payable in relation to pensionable employment before 1st October 2003; and
 - (b) 8 per cent per annum in relation to all amounts and contributions payable in relation to pensionable employment on or after 1st October 2003.