
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 393

The Teachers' Superannuation (Scotland) Regulations 2005

PART J

MISCELLANEOUS AND SUPPLEMENTAL

Commutation of benefits

J9.—(1) Subject to paragraph (2), where the aggregate of the retirement benefits (retirement pensions and actuarial equivalent as an annual pension of the retirement lump sum) and any benefits payable to a teacher under any additional voluntary contributions scheme to which section 591(2)(h) or section 592(1)(b) of the Taxes Act(1) applies is an annual amount not exceeding the permitted maximum, the Scottish Ministers may discharge their liability in respect of—

- (a) those retirement benefits; and
- (b) any family benefits which might otherwise become payable on the teacher's death under these Regulations if the annual amount of the family benefits do not exceed the permitted maximum,

by payment of a lump sum representing the capital value of the retirement benefits and family benefits.

(2) Paragraph (1) shall not apply unless the teacher became entitled to receive payment of the retirement benefits on or after attaining state pensionable age.

(3) Where a teacher has died and the aggregate of any family benefits, and like benefits provided under an additional voluntary contributions scheme, payable in respect of the person is an annual amount not exceeding the permitted maximum, the Scottish Ministers may discharge their liability in respect of the family benefits by the payment of a lump sum representing their capital value.

(4) The lump sum payable under paragraph (1) or (3) shall be determined by, or in accordance with tables prepared by, the Government Actuary.

(5) In this regulation, the permitted maximum is £260 or such higher amount as may be prescribed from time to time by Regulations made under section 21(1) of the 1993 Act(2)

(6) In this regulation, “additional voluntary contributions scheme” means an approved scheme which falls within section 591(2)(h) of the Taxes Act(3).

(1) 1988 c. 1. Sections 591 and 592 are prospectively repealed by the Finance Act 2004, Schedule 42, Part 3.

(2) 1993 c. 48, as amended by the Pensions Act 2004 (c. 35) section 284.

(3) 1988 c. 1. Section 591 is prospectively repealed by the Finance Act 2004 (c. 12), Schedule 42, Part 3.