

SCHEDULE 12

TRANSFER VALUES

PART II

INWARD TRANSFERS

11. Where a transfer value has been paid to, and accepted by, the Scottish Ministers, there shall be credited to the teacher, in respect of whom the payment was made, a period of reckonable service calculated in accordance with paragraph 12 or paragraph 13 as the case may be.

12. Except where paragraph 13 applies, for the purposes of paragraph 11—

(a) where the transfer value—

(i) is paid by the trustees or managers of a club scheme;

(ii) represents all of the teacher's accrued rights in that scheme; and

(iii) has been calculated in a manner consistent with the methods adopted and assumptions made by the Scottish Ministers in determining the amount of transfer values to be paid to club schemes under Part I of this Schedule,

the period of reckonable service to be credited to the teacher shall be equal to the period of service which, if used to calculate a transfer value to be paid to an occupational pension scheme which is a statutory scheme under Part I of this Schedule, would produce an amount equal to the transfer value received by the Scottish Ministers, and in making the calculation regard shall be had to the teacher's age, rate of pensionable pay, marital status and, in addition, to any other factor notified to the Scottish Ministers by the trustees or managers of the scheme making the payment as having been taken into account in determining its amount; and

(b) in any other case, the period of reckonable service credited to the teacher shall be calculated in a manner consistent with the methods adopted and assumptions made by the Scottish Ministers in determining the amount of transfer values to be paid to occupational pension schemes (which do not fall to be treated as statutory schemes) under Part I of this Schedule, due allowance being given for the expected increase in the salary of teachers between the appropriate date and the date on which the teacher in respect of whom the transfer value was paid would attain the age of 60 years.

13.—(1) This paragraph applies where—

(a) the previous scheme is a personal pension scheme or an approved pension or superannuation scheme which is not a club scheme and the teacher has entered pensionable employment after 31st December 1985;

(b) the teacher has made an election under regulation B8 ;

(c) the previous election under regulation B7 was made before 30th June 1994;

(d) the teacher has been in excluded employment between the date of the election under regulation B7 and the date of the election under regulation B8;

(e) the teacher is an individual as is mentioned in section 172(1) of the 1995 Act⁽¹⁾; and

(f) the Scottish Ministers accept a payment of the amount specified in sub paragraph (3).

(2) In this paragraph—

(1) 1995 c. 26, amended by S.I. 2001/3649, article 148.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) “the period of original pensionable employment” means the period during which the teacher was in pensionable employment before he or she made his or her election under regulation B7; and
 - (b) “the period of transferred-out employment” means the period of pensionable employment (if any) in respect of which a transfer value was paid under regulation G1 by virtue of the election under regulation B7.
- (3) The amount referred to in sub paragraph (1)(f) is
(A r B)

where—

A is the transfer value which satisfies paragraph 10 and which would enable the teacher to count the period of excluded employment as reckonable service as if it had been pensionable employment; and

B is the greater of—

- (a) the transfer value, if any, paid under regulation G1 in respect of the teacher in consequence of his or her ceasing to be in pensionable employment by virtue of his or her election under regulation B7, together with—
 - (i) in a case where a transfer value was paid to the Scottish Ministers pursuant to regulation G2 within 4 weeks of the notice under regulation G2(1), an amount, determined actuarially, which represents the income which would have been received had such sum been invested during the period starting at the end of the month in which the transfer value was paid under regulation G1 and ending at the end of the month in which the notice under regulation G2(1) was made; and
 - (ii) in any other case the amount referred to in sub-paragraph (i) above together with a further amount, determined actuarially, which represents the income which would have been received compounded with monthly rests, had such sum been invested during the period starting at the end of the month in which the notice under regulation G2(1) was made and ending at the end of the month in which the transfer value was paid to the Scottish Ministers; and
 - (b) the amount which would be paid as a transfer value under regulation G1 in respect of the teacher if at the date on which he or she made the election under regulation B8—
 - (i) he or she was in pensionable employment and made an election under regulation B7; and
 - (ii) the transfer value was in respect of a period of pensionable employment equal to the period of transferred-out employment.
- (4) Where this paragraph applies the teacher is entitled to count as reckonable service—
- (a) the reckonable service arising from the period of original pensionable employment; and
 - (b) such service arising from the period of excluded employment as if it had been pensionable employment.