
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 217

The Teachers' Pension Scheme (Scotland) Regulations 2014

PART 6

Survivor's benefits

CHAPTER 2

Specific interpretation

Meaning of "eligible child"

- 134.**—(1) In these Regulations, a person is the "eligible child" of a member who dies (D) if—
- (a) the person—
 - (i) is D's child and was born before D died or within 12 months after D's death;
 - (ii) was adopted by D; or
 - (iii) was accepted by D as a member of D's family and was wholly or mainly financially dependent on D at the date of D's death;
 - (b) the person has never married or formed a civil partnership; and
 - (c) the person meets Condition 1, 2 or 3.
- (2) Condition 1 is that the person is under 17.
- (3) Condition 2 is that the person—
- (a) is 17 or over and under 23;
 - (b) is receiving full-time education; and
 - (c) since reaching the age of 17, has received full-time education without a break.
- (4) Condition 3 is that the person—
- (a) is incapable of earning a livelihood by reason of physical or mental impairment;
 - (b) because of that impairment, was dependent on D at the date of the D's death; and
 - (c) is not wholly maintained out of money provided by the UK Parliament or the Scottish Parliament or by council tax levied by a local authority.
- (5) For the purpose of Condition 2—
- (a) a person is receiving full-time education if the person attends a full-time vocational training course which runs for a period of at least 2 years;
 - (b) a person does not cease to receive full-time education if the person takes a single break of up to a year (or such longer period as the scheme manager may determine in the circumstances of the particular case); and
 - (c) a person who ceases to receive full-time education is taken to receive it up to and including the week which includes whichever of the following days occurs first after the end of the term in which the person ceases to receive it—

Status: This is the original version (as it was originally made).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

- (i) the first Monday in January;
- (ii) the first Monday after Easter Monday;
- (iii) the first Monday in September.