SCOTTISH STATUTORY INSTRUMENTS

2000 No. 444

PENSIONS

The Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Amendment Regulations 2000

Made - - - -	*18th December 2000*
Laid before the Scottish Parliament - - - -	*20th December 2000*
Coming into force - -	*1st February 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 9 and 12 of, and Schedule 3 to, the Superannuation Act 1972(**1**) and of all other powers enabling them in that behalf, after consulting with representatives of education authorities and of teachers and with such representatives of other persons likely to be affected by the Regulations as appear to them to be appropriate in accordance with section 9(5) of that Act, and with the consent of the Treasury(**2**), hereby make the following Regulations:

Citation, commencement and effect, interpretation and extent

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Amendment Regulations 2000.

(2) These Regulations shall come into force on 1st February 2001 but regulation 7 shall have effect from 1st April 2000.

(3) In these Regulations, "the 1995 Regulations" means the Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995(**3**) and any reference to a "regulation" shall be a reference to a regulation of the 1995 Regulations and any reference to "the Schedule" shall be a reference to the Schedule to the 1995 Regulations.

(4) These Regulations extend to Scotland only.

(**1**) 1972 c. 11; section 9 was amended by sections 4(1), 8(3) and (4) and 11 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) and section 12 was amended by section 10 of that Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750).

(**2**) This function was transferred to the Treasury by the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).

(**3**) S.I. 1995/2814.

Amendment of 1995 Regulations

2. The 1995 Regulations shall be amended in accordance with the following provisions.

3. In regulation 2(3) after the definition of "the Index", there shall be inserted–

""Investment Linked Pension" means a pension which is linked to the performance of investments after it becomes payable and which is payable from the proceeds of an annuity policy authorised by the Scottish Ministers for the purposes of these Regulations and purchased from an authorised provider selected by them.".

4. In regulation 5(3)(c)(iii) after the word "question" there shall be inserted–

", or

(iv) is to be an Investment Linked Pension".

5. In regulation 7(2) for the words "14 days" there shall be substituted the words "7 days".

6. In regulation 10–

(a) in paragraph (1)–

(i) for the words "Where a person who enters pensionable employment has during previous employment paid contributions to–" there shall be substituted "Where a person in pensionable employment has paid contributions to–"; and

(ii) the words "within 12 months of entering pensionable employment" shall be omitted.

(b) in paragraph (2) for the words "entering pensionable employment" there shall be substituted "in pensionable employment".

7. In regulation 12–

(a) in paragraph (5) for the word "shall" there shall be substituted "may";

(b) in paragraph (5)(d)(iii) after the word "question" there shall be inserted–

", or

(iv) is to be an Investment Linked Pension"; and

(c) for paragraph (8) there shall be substituted the following paragraph–

"(8) Subject to paragraphs (9) and (10), if the participator has not made an election under paragraph (5) before he attains the age of 75, the Scottish Ministers may on or after his attaining that age realise the investments made under regulation 9(1) and 10(2) and apply the amount obtained to the purchase of a pension policy from the insurance company referred to in regulation 9 to provide such benefits as appear to them to be suitable.".

8. In paragraph 3 of the Schedule–

(a) after sub-paragraph (1) there shall be inserted the following sub-paragraph–

"(1A) In calculating for the purposes of this paragraph the average of the participator's salary, where the participator has spent any of the period mentioned in paragraph 3(1) in part-time employment, the salary for that period shall be the amount which it would have been if the employment had been full-time during that period.".

(b) in sub-paragraph (2) there shall be inserted after the words "In this paragraph" "subject to sub-paragraph (2A)".

(c) after sub-paragraph (2) there shall be inserted–

"(2A) In calculating for the purposes of this paragraph the adjusted salary for a participator who has spent any of the periods mentioned in paragraph (2) in part-time