

7 Tweedside Park
Tweedbank
GALASHIELS
TD1 3TE

Scottish Teachers' Scheme Advisory Board

www.sppa.gov.uk

Tel: 01896 893225
Fax: 01896 893214

11 October 2017

Dear Colleague

The Teachers' Pension Scheme (Scotland) (No.2) Amendment Regulations 2017

I enclose for any comments that you have, a draft of the The Teachers' Pension Scheme (Scotland) (No.2) Amendment Regulations 2017 a short commentary on the proposed changes. I would be grateful if you would consider this letter and attachment. A brief commentary on the proposed amendments is set out in the attached Annex.

This Consultation will run from 11 October 2017 to 31 October 2017

You can respond to this consultation on line via the following link:

https://www.surveymonkey.co.uk/r/Death_Grant_Amendment

Alternatively you may complete the Consultation Response Form attached at Annex B which can be submitted electronically to SPPASTPSSAB@gov.scot

STPS 2015 Amendment Consultation
SPPA Policy
7 Tweedside Park
TWEEDBANK
Galashiels
TD1 3TE

A copy of the consultation documentation and a printable response form are also available on the Agency's website at:

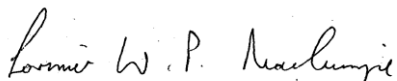
http://www.sppa.gov.uk/index.php?option=com_content&view=article&id=198&Itemid=546

We intend to publish a summary of consultation responses in due course and would like to be able to include any response you make in that summary. However, if you ask us not to publish your response to this consultation, we will regard it as confidential, and we will treat it accordingly.



Respondents should also be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and will have to respond appropriately to any relevant request made to the SPPA under that Act for information concerning this consultation exercise.

Yours faithfully



Lorimer Mackenzie
Acting Director of Policy



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Copies to:

Alex Killick
Andy Witty
Brenda Campbell
David Parker
Fiona Campbell
Gillian Renwick
Graham Nicol
Jim Goodfellow
Phil Duggart
Dave Wilkinson
Dougie Atkinson
Euan Duncan
Fiona Dalziel
Greg Dempster
Helen Connor
Jayne Rowe
John Edward
John Gribben
Kathy Cameron
Louise Wilson
Mary Senior
Neil Shaw
Ricky Cullen



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BACKGROUND

Regulation E24 in The Teachers' Superannuation (Scotland) Regulations 2005 (STSS) makes provides that in the event of a member's death, a Death Grant "may be" paid. The corresponding regulations in Chapter 3 to Part 6 of the Teachers' Pension Scheme (Scotland) (No. 2) Regulations provide that a Death Grant "is" payable in the same circumstances. The drafting of the latter provision has potential tax implications which could result in liability for inheritance tax. HMRC has recommended that the STPS 2015 regulations are immediately amended, effective from 1 April 2015. By making this amendment, the Death Grant is then treated as a discretionary payment and so not subject to Inheritance Tax. This would provide for the equal treatment of death grants in both the Final Salary and CARE schemes, in line with the original policy intent.

This is a minor amendment with no detriment to scheme members, and the consultation period will therefore be shortened to facilitate the legislative process. For these reasons, only the Scottish Teacher's Scheme Advisory Board, which represents all scheme members, is being consulted.



**CONSULTATION RESPONSE FORM
SCOTTISH TEACHERS SUPERANNUATION SCHEME
CONSULTATION on the draft Teachers' Pension Scheme (Scotland) (No.2)
Amendment Regulations 2017**

(please complete and return to the address at the end of the form to ensure that we handle your response appropriately).

1. Name/Organisation

Organisation Name

Title

Surname

Forename

2. Postal Address

Postcode	Phone	
Email		

3. Permissions - I am responding as... (please complete either sections (a), (b) and (d) or sections (c) and (d):

Individual **or** **Group/Organisation**

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please state yes or no: _____

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please state yes to one of the following:

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please state yes or no:

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please state yes or no:



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ABOUT YOU

I am responding ...

- as a scheme member
- on behalf of an Employer Organisation
- on behalf of a Trade Union/Staff Association
- other (please specify)

What is your gender?

- I am female
- I am male

I am employed as...

- a primary school teacher (local authority)
- a secondary school teacher (local authority)
- a head teacher or depute head teacher (local authority)
- an educational psychologist
- a lecturer in further or higher education
- a teacher in an independent school
- I'm retired
- other (please specify)

What is your working pattern?

- I work part-time
- I work full- time
- Not applicable



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CONSULTATION QUESTIONS

Question 1: Do you agree the draft amendments provide for the appropriate treatment of death grants in the Scottish Teachers Pension Scheme 2015?

Yes
No

Comments:

Please use this space to provide any further comments on any of the other planned amendments.



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Please e-mail your response to stsspensionsreform@scotland.gsi.gov.uk or send via mail to:

STSS Consultation (2015 reform)
SPPA Policy
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE

The closing date for receipt of comments is 31 October 2017.



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