

To:

The Secretary General, Convention of Scottish Local Authorities

The Directors of Education, Directors of Finance & Human Resource Managers, Scottish Local Authorities

Principals of Further and Higher Education Institutions

Independent Schools

Official Correspondents of Other Participating Organisations

7 Tweedside Park

Tweedbank

Galashiels TD1 3TE

<http://www.sppa.gov.uk>

Telephone: 01896 893225

Fax: 01896 893214

christine.marr@scotland.gsi.gov.uk

Our ref: TEA/01/02/01

7 October 2005

Dear Sir or Madam

**SUPERANNUATION (TEACHERS) CIRCULAR No 2005/5
THE TEACHERS' SUPERANNUATION (SCOTLAND) REGULATIONS 2005 (SSI 2005/393)**

The purpose of this circular is to inform teachers, their employers and representatives, and other interested parties of the making of the above Regulations, which consolidate the Teachers' Superannuation (Scotland) Regulations 1992 (SI 1992/280). The Regulations (except for the provisions relating to paternity and adoption leave which have effect from 6 April 2003) have effect from 1 October 2005.

The main purpose of the Regulations is to restate existing law. This has necessitated renumbering of Regulations and minor and drafting alterations. However, the Regulations make the following changes of substance –

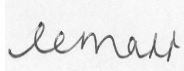
- they introduce provisions to take account of the new entitlements to paternity and adoption leave provided for by the Employment Act 2002
- they amend the eligibility criteria for payment of a death grant to clarify that, where a member dies within 12 months of retirement on grounds of incapacity, and is in receipt of an incapacity pension, a death grant is not payable
- they provide that where a teacher wishes to transfer his or her rights in a previous pension scheme to the Scottish Teachers' Superannuation Scheme, that teacher must give notice to the Scottish Ministers within 12 months of entering pensionable employment that he or she wishes to do so
- obsolete provisions of the 1992 Regulations have been omitted
- changes have been made to the terminology in order to modernise the language used - for example, "retiring allowances" has been amended to "retirement benefits" and "death gratuity" has been amended to "death grant".

Superannuation (Teachers) Circular No. 2005/5

A copy of the regulations can be obtained from The Stationery Office website – www.legislation.hmso.gov.uk or can be purchased from The Stationery Office (ISBN number 0-11-069672-7).

Tables of Derivations and Destinations will shortly be available on the Agency's website (www.sppa.gov.uk/scot_teachers/regs.htm), which will assist in cross-referencing the 2005 Regulations with the 1992 Regulations (as amended).

Yours faithfully



Christine Marr
Policy Manager, STSS