

To:

The Secretary General, Convention of Scottish Local Authorities

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

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Dear Sir or Madam

SUPERANNUATION (TEACHERS) CIRCULAR No 2005/6
THE TEACHERS' SUPERANNUATION (SCOTLAND) REGULATIONS 2005 (SSI 2005/543)

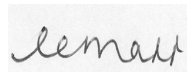
The purpose of this circular is to inform teachers, their employers and representatives, and other interested parties of the making of the above regulations, which amend the Teachers' Superannuation (Scotland) Regulations 2005 (SSI 2005/393), the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996 (SI 1996/2317) and the Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995 (SI 1995/2814) to make provision for pensions for surviving civil partners. These regulations came into force on 5 December 2005, which is the date the Civil Partnership Act 2004 came into force.

The main provisions of the regulations are set out in the attached Annex.

A copy of the regulations can be accessed via the following link [SSI 2005/543](#) or can be purchased from the Stationery Office.

This circular, together with previous information issued by SPPA about civil partnerships, is available on our website www.sppa.gov.uk.

Yours faithfully



Christine Marr
Policy Manager, STSS

**COMMENTARY ON THE TEACHERS' SUPERANNUATION (SCOTLAND)
AMENDMENT REGULATIONS 2005 (SSI 2005/543)**

Civil Partnerships

1. From 5 December, same-sex couples wishing to form a civil partnership are able to give notice to the existing Registration Service. The earliest date from which a ceremony will be able to be held will be 21 December 2005.
2. The Act allows same-sex couples to make a formal, legal commitment to each other by forming a civil partnership. Important rights and responsibilities – including entitlement to survivor pensions in the Scottish Teachers' Superannuation Scheme (STSS) – will flow from entering a civil partnership, helping same-sex couples to organise their lives together. The Act also allows for same-sex couples who have entered legally recognised overseas relationships to be treated as civil partners in the United Kingdom.
3. As far as survivor pensions are concerned, the Act provides for rights to accrue from 6 April 1988. That is the date from which pensionable employment in the STSS has automatically counted for widowers' pensions. The teachers' superannuation regulations have therefore been amended so that rights accrue on the same basis as for widowers. Subject to completion of a 2-year qualifying period (ie 2 years pensionable employment on or after 6 April 1988), pensioners and deferred members will acquire civil partner survivor pension rights in respect of service undertaken on or after 6 April 1988.
4. As with opposite-sex couples who do not marry, no dependant's benefits would be paid to the surviving partner of a same-sex couple who had not registered their partnership.

Changes to the Scottish Teachers' Superannuation Scheme (STSS)

Entitlement

5. From 5 December 2005, the pensionable employment of STSS members who have registered their civil partnership will automatically count for civil partnership pension purposes. The Act provides for survivor rights to accrue from 6 April 1988 and there will be a 2 year qualifying period.
6. Options are available for individuals to purchase at full cost pre-6 April 1988 reckonable service for civil partner pension purposes.

Qualification

7. There will be a 2 year qualifying period, bringing civil partner pensions into line with entitlement to a widower's pension. Pensionable employment undertaken on or after 6 April 1988 will count automatically. Service undertaken before that date will count only if it is purchased by payment of additional contributions.

Pre-6 April 1988 pensionable employment

8. STSS members in active service will be offered the opportunity to purchase, at full cost, civil partner survivor pension cover for pre-6 April 1988 pensionable employment. As with single scheme members who marry, there will be a 6 month period during which an election may be made

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following the registration of a civil partnership. Provision will also be made for an election to be made by a surviving civil partner of a scheme member who dies before the end of the election period without making an election.

Added Years

9. Past Added Years and Current Added Years purchased via elections made on or after 6 April 1988 will count for civil partnership survivor purposes.

Transferred-in service

10. For club and non-club transfers-in, where service is credited on a money purchase basis, service credited will count for civil partner survivor pension purposes as well as spouses' pension purposes. This will apply to all transfers-in effected in relation to pensionable employment commencing on or after 6 April 1988.

11. Comparable British Service (CBS) transfers will continue to be effected on a day-for-day basis.

Allocation

12. The allocation provision will be extended to allow scheme members to allocate in favour of a civil partner.

Death gratuity

13. In the absence of a nomination, surviving civil partners will automatically be entitled to receive the death gratuity.

Children's Pensions

14. In the same way that a child who is married is not entitled to a child's pension, a child's pension will not be paid to a child who is a civil partner.

Nomination of Beneficiaries

15. The option of nominating a financially dependent close relative will not be open to scheme members who are civil partners, and a person who is a civil partner may not be nominated. Existing nominations by single scheme members will cease to have effect if the scheme member or the person previously nominated becomes a civil partner.

Cessation of long-term family pensions

16. Recipients of a long-term spouse's and civil partner survivor's pension will lose entitlement if the recipient remarries, cohabits (lives together as man and wife), forms a civil partnership or lives together as if they were civil partners.

Pension sharing

17. The Civil Partnership Act makes provision for civil partnerships to be dissolved through a formal court-based process, therefore the pension sharing arrangements have been amended to reflect this.

Pensioners

18. Civil partner survivor pension rights will automatically be acquired by pensioners provided, prior to retirement, they completed the post-5 April 1988 2 year qualifying period. This could be achieved by completion of 2 years' pensionable employment on or after 6 April 1988 or a combination of such service (including post-5 April 1988 CBS transferred-in service).

19. The option to purchase pre-6 April 1988 service will not be available to pensioners.

Deferred Scheme Members who left pensionable employment before 5 December 2005

20. Civil partner survivor pension rights will automatically be acquired by deferred scheme members who left pensionable employment on or after 6 April 1988, provided they meet the 2 year qualifying period (see paragraph 19).

21. The option to purchase pre-6 April 1988 service will not be available to deferred scheme members unless they return to pensionable employment before retirement.

Premature Retirement Compensation (PRC)

22. Bereaved civil partners will be entitled to half-rate PRC in the same way that widowers are so entitled.

Register of overseas arrangements

23. The Act provides for registered overseas relationships between same-sex couples to be treated as civil partnerships in the UK where the relationships meet prescribed criteria contained in the Act. The Department of Trade and Industry (DTI) will be responsible for maintaining a list of overseas countries that have formal civil partner registration arrangements which will be recognised in the same way that legal foreign marriages are recognised.