STATUTORY INSTRUMENTS

2018 No. 218

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES
EDUCATION, ENGLAND AND WALES

The Teachers' Pensions Schemes (Amendment) Regulations 2018

Made - - - -	*20th February 2018*
Laid before Parliament	*26th February 2018*
Coming into force - -	*1st April 2018*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 9 and 12 of, and Schedule 3 to, the Superannuation Act 1972 ('the 1972 Act')(**1**) and sections 1(1) and (2)(d)(**2**), 2(**3**), 3(1), (2) and (3) and 8(1)(a) and (2)(a) of, and paragraph 4 of Schedule 1, paragraph 4(a) of Schedule 2 and Schedule 3 to, the Public Service Pensions Act 2013 ('the 2013 Act')(**4**).

In accordance with section 9(5) of the 1972 Act, the Secretary of State has consulted representatives of local authorities and of teachers and representatives of such other persons likely to be affected by these Regulations as appear to the Secretary of State to be appropriate.

The Secretary of State has consulted representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations in accordance with section 21 of the 2013 Act.

In accordance with section 9(1) of the 1972 Act(**5**) and section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

(**1**) 1972 c.11. Section 9 was amended by sections 4, 8 and 11 of the Pensions (Miscellaneous Provisions) Act 1990 (c.7); paragraph 7 of Schedule 8 to the Pension Schemes Act 1993 (c.48); article 107 of S.I. 2001/3649; and article 5 of, and paragraph 27 of Schedule 2 to, S.I. 2010/1158. Section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990.
(**2**) See section 1(4) of the 2013 Act for the meaning of "scheme regulations" and paragraph 4 of Schedule 1 to the 2013 Act for the meaning of "teachers".
(**3**) See section 2(2) of the 2013 Act for the meaning of "responsible authority".
(**4**) 2013 c.25.
(**5**) See S.I. 1981/1670 which transferred the consent function in section 9(1) of the 1972 Act from the Minister for the Civil Service to the Treasury.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Teachers' Pensions Schemes (Amendment) Regulations 2018.

(2) These Regulations come into force on 1st April 2018 but have effect as follows—

(a) The amendments made by regulation 2 have effect from 1st September 2010; and

(b) The amendments made by regulation 3 have effect from 1st April 2015.

Amendments to the Teachers' Pensions Regulations 2010

2.—(1) The Teachers' Pensions Regulations 2010(**6**) are amended as follows.

(2) In regulation 104(1) (death grant: death of pension credit member before benefits payable) for "is payable" substitute "may be paid".

(3) In regulation 106(1) (death grant: death of pension credit member after benefits payable) for "is payable" substitute "may be paid".

Amendments to the Teachers' Pension Scheme Regulations 2014

3.—(1) The Teachers' Pension Scheme Regulations 2014(**7**) are amended as follows.

(2) In regulation 138 (payment of death grant) for "a death grant is payable as follows" substitute "where a death grant is to be paid, the payment must be made".

(3) In regulation 139(1) (death in service grant) for "is payable" substitute "may be paid".

(4) In regulation 140(1) (death out of service grant) for "is payable" substitute "may be paid".

(5) In regulation 141(1) (supplementary death grant payable on death of pensioner member) for "is payable" substitute "may be paid".

(6) In regulation 158(1) (death grant: death of pension credit member before pension becomes payable) for "is payable" substitute "may be paid".

(7) In regulation 159(1) (death grant: death of pension credit member after benefits payable) for "is payable" substitute "may be paid".

(8) In regulation 160 (payment of death grant) for "the death grant must be paid" substitute "where a death grant is to be paid, the payment must be made".

Nick Gibb
Minister of State
14th February 2018 Department for Education

(**6**) S.I. 2010/990, to which there are amendments not relevant to these Regulations.
(**7**) S.I. 2014/512, to which there are amendments not relevant to these Regulations.