STATUTORY INSTRUMENTS

2015 No. 592

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

The Teachers' Pension Scheme (Amendment) Regulations 2015

Made - - - -	*5th March 2015*
Laid before Parliament	*10th March 2015*
Coming into force - -	*1st April 2015*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1)(**1**), (2)(d)(**2**), (3) and (4), 2(**3**), 3(1), (2), (3)(a), 18(5) to (9)(**4**) of, and paragraph 4(a) of Schedule 2, Schedule 3, paragraph 18 of Schedule 5 to the Public Service Pensions Act 2013(**5**).

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

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

Citation and commencement

1. These Regulations may be cited as the Teachers' Pension Scheme (Amendment) Regulations 2015 and come into force on 1st April 2015.

Amendment of the Teachers' Pension Scheme Regulations 2014

2. The Teachers' Pension Scheme Regulations 2014(**6**) are amended as follows.

Amendment to regulation 65 (Deferred member's account closed after service under another public service scheme)

3. In paragraph (1)(c) of regulation 65, for "less than 5 years" substitute "5 years or less".

(**1**) See section 1(4) of the Act for the meaning of "scheme regulations".
(**2**) See paragraph 4 of Schedule 1 to the Act for the meaning of "teachers".
(**3**) See section 2(2) of the Act for the meaning of "responsible authority".
(**4**) See section 18(2) of, and paragraph 18 of Schedule 5 to, the Act for the meaning of "existing scheme".
(**5**) 2013 c.25.
(**6**) S.I. 2014/512, as amended by S.I. 2014/2652.

Amendment to paragraph 30 (Making a buy-out election) of Schedule 2 (Scheme flexibilities)

4. In paragraph 30 of Schedule 2 for sub-paragraph (3)(a) substitute—

"(a) if P is in more than one eligible employment, the names of the employers in relation to P's eligible employments;".

Amendment to paragraph 31 (Application of existing scheme regulations) of Schedule 3 (Transitional provisions)

5. In paragraph 31 of Schedule 3—

(a) in sub-paragraph (1) after "in relation to the calculation" insert "and payment";

(b) in sub-paragraphs (1) and (2) for "TPR 2010" substitute "the existing scheme regulations";

(c) after sub-paragraph (3) insert—

"(4) For the purpose of determining P's entitlement to retirement benefits, P's pensionable employment under the existing scheme terminates when P's pensionable service under this scheme terminates.".

Amendment to paragraph 33 (Annual rate of pension) of Schedule 3

6. In paragraph 33 of Schedule 3 after "provided otherwise in" insert "paragraph 38 (application for payment of ill-health pension) and".

Amendment to paragraph 34 of Schedule 3 (Application for payment of age retirement pension)

7. In paragraph 34 of Schedule 3, in sub-paragraph (2), after "normal pension age under this scheme" insert "and who has ceased being in pensionable service in this scheme".

Amendment to paragraph 36 (Application for payment of premature retirement pension) and paragraph 37 (Application for payment of early retirement pension) of Schedule 3

8. In paragraphs 36 and 37 of Schedule 3, for "as part of" substitute "in addition to".

Amendment to paragraph 38 (Application for payment of ill-health pension) of Schedule 3

9. In paragraph 38 of Schedule 3—

(a) in sub-paragraph (1)(b), omit "after that date".

(b) for sub-paragraph (2), substitute—

"(2) If P makes a successful application for payment of an ill-health pension on or after P's transition date—

(a) before P's normal pension age in the existing scheme, P will receive under this scheme an amount equivalent to any benefits due to P in respect of P's pensionable service in this scheme and in the existing scheme, in accordance with paragraph 38A;

(b) from P's normal pension age in the existing scheme, P will receive, in accordance with paragraph 38B—

(i) under the existing scheme, any benefits due to P in respect of P's pensionable service in the existing scheme, and

(ii) under this scheme, any benefits due to P in respect of P's pensionable service in this scheme.";

(c) after sub-paragraph (2), insert—

"(3) If P has more than one normal pension age in the existing scheme under regulation 48 of the existing scheme regulations, sub-paragraph (2) and regulations 38A and 38B apply to each normal pension age in relation to the pensionable service to which it applies."

Insertion of paragraphs 38A and 38B into Schedule 3

10. After paragraph 38 of Schedule 3, insert—

"**Transition member who has not reached normal pension age under the existing scheme**

38A.—(1) This paragraph applies to a transition member (P) whilst P—

(a) is entitled to an ill-health pension under this scheme; and

(b) has not reached normal pension age under the existing scheme.

(2) Whilst this paragraph applies—

(a) no pension is payable to P under the existing scheme before P's normal pension age in that scheme; and

(b) a pension is payable to P under this scheme, determined in accordance with sub-paragraph (3).

(3) Whilst this paragraph applies, the following are payable to P—

(a) a pension, the annual rate of which is the sum of—

(i) P's annual rate of ill-health pension calculated under regulation 113 of these Regulations,

(ii) the annual rate of retirement pension that would, if P was entitled to payment of an ill-health pension under the existing scheme, be payable to P under the existing scheme regulations, excluding any total incapacity pension payable under regulation 65 of the existing scheme regulations, and adjusted following any election by P under regulation 116 of those Regulations, and

(iii) the annual rate of total incapacity pension, if any, payable under regulation 116 of these Regulations;

(b) (i) any lump sum payable to P under regulation 168 of these Regulations, and

(ii) the amount of any lump sum that would have been payable to P had P been entitled to payment of an ill-health pension under the existing scheme, including any lump sum payable under regulation 116 of the existing scheme regulations, if P makes such an election.

(4) P's entitlement to the pension payable under sub-paragraph (3)(a)(ii) is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension which P would have received had P been entitled to payment of an ill-health pension under the existing scheme, in accordance with the existing scheme regulations.

(5) If a transfer of benefits takes place from the existing scheme prior to the existing scheme normal pension age, P's entitlement to the pension payable under sub-paragraph (3)(a)(ii) comes to an end.

(6) If this paragraph applies, P may not apply under the existing scheme for retirement benefits under Case E as provided in Schedule 7 of the existing scheme regulations.