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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 217**

**The Teachers' Pension Scheme (Scotland) Regulations 2014**

**PART 3**

**Scheme membership**

**CHAPTER 3**

**Pensionable service**

*SECTION 1*

*General provisions*

**Service not pensionable unless member is entitled to pay**

**22.**—(1) A person (P) in an eligible employment is not in pensionable service in relation to that employment unless P is entitled to be paid—

- (a) P's salary in respect of that employment;
- (b) if P is on adoption leave, maternity leave, parental leave, paternity leave or additional paternity leave—
  - (i) at least half P's salary in respect of that employment; or
  - (ii) statutory pay; or
- (c) if P is on sick leave, at least half P's salary in respect of that employment.

(2) P is not in pensionable service in relation to an employment during a period of non-pensionable family leave, non-pensionable sick leave or unpaid leave from that employment.

**Service not pensionable unless members' contributions are paid**

**23.**—(1) The scheme manager may decide that a period of service in respect of which a member's contributions are not paid is not a period of pensionable service if—

- (a) the scheme manager has sent the member a demand under regulation 188 ("the demand") in respect of those contributions; and
  - (b) within 3 years after the date of the demand, the member has not paid the whole of the amount and interest stated in the demand.
- (2) The period of service is not a period of pensionable service if the scheme manager—
- (a) gives the member written notice to that effect; and
  - (b) repays the member any amount paid in part satisfaction of the demand.