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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 217**

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

**PART 8**

**Payment of benefits**

**CHAPTER 5**

**Miscellaneous**

**Reduction of benefits: annual allowances and lifetime allowance charge**

**176.**—(1) This regulation applies to the situations set out in paragraphs (2) and (3) and in this regulation “the charge” refers to either of the charges set out in those paragraphs.

(2) The lifetime allowance charge under section 214 of FA 2004 arises because a benefit becomes payable to a person and the person and the scheme manager are jointly and severally liable to the charge.

(3) The annual allowance charge under section 227 of FA 2004 arises in respect of a person who serves a notice under section 238A of that Act.

(4) The scheme manager must pay the charge.

(5) The amount of the benefit must be reduced to reflect the amount of the charge in such manner as the scheme manager is to determine, after taking advice from the scheme actuary.