
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 217

The Teachers' Pension Scheme (Scotland) Regulations 2014

PART 11

Miscellaneous and supplemental

Guaranteed minimum pension

213.—(1) The weekly rate of any relevant pension payable to a person who has a guaranteed minimum P and who reaches GMP age must not be less than the person's guaranteed minimum under sections 14 to 16 of PSA 1993(1).

(2) Where no relevant pension becomes payable to P within 5 years and P reaches GMP age, a guaranteed minimum pension, the weekly rate of which is P's guaranteed minimum under sections 14 to 16 of PSA 1993, is payable to P.

(3) Paragraph (2) does not apply—

- (a) while P consents to the application of that paragraph being postponed;
- (b) from the date on which a relevant pension becomes payable; or
- (c) where paragraph (4) applies.

(4) This paragraph applies where—

- (a) P has a guaranteed minimum and exercises P's right to a cash equivalent;
- (b) the pension scheme into which P's rights to benefits under these Regulations are transferred does not accept a transfer of P's accrued rights to a guaranteed minimum pension; and
- (c) P's accrued rights to a guaranteed minimum pension are not transferred elsewhere.

(5) Where paragraph (4) applies, a guaranteed minimum pension, the weekly rate of which is the person's guaranteed minimum under sections 14 to 16 of PSA 1993, is payable to P for life from the date on which P reaches GMP age.

(6) Where P dies leaving a widow, widower or civil partner, the pension payable to the widow, widower or civil partner under Part 6 must be paid, for any period required by or under section 17 of PSA 1993(2), at a weekly rate which is not to be less than the widow's, widower's or civil partner's guaranteed minimum (as set out in that section).

(7) In this regulation—

“accrued rights to guaranteed minimum pension” is to be construed in accordance with section 20 of PSA 1993;

“contracted-out employment” has the meanings given in sections 8(1) and (1A) of PSA 1993(3);

(1) Section 14 was amended by PA 1995, Schedules 5 and 7: section 15A was inserted by WRPA 1999, section 32; section 16 was amended by PA 1995, Schedule 5 and by WRPA 1999, Schedule 2.

(2) Section 17 was amended by the Child Support, Pensions and Social Security Act 2000 (c.19).

(3) Subsection (1A) was inserted by the Pensions Act 2007, Schedule 4.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

”relevant pension” means a phased retirement pension or retirement pension which becomes payable in respect of contracted-out employment before 6th April 1997.

(8) In this regulation, the question whether a person has a guaranteed minimum is to be determined in accordance with section 14 of PSA 1993.

(9) This regulation overrides any inconsistent provision elsewhere in these Regulations, save that it is subject to—

- (a) regulation 165;
- (b) regulation 168;
- (c) regulation 175.