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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 217**

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

**PART 5**

Retirement benefits for teachers

CHAPTER 1

Interpretation

**Re-qualifying for retirement benefits in respect of post-benefit service**

- 80.**—(1) A person (P) is re-qualified for retirement benefits under these Regulations if—
- (a) P has at least 12 months' post-benefit qualifying service; or
  - (b) a transfer payment otherwise than from another occupational pension scheme has been accepted in relation to P during P's post-benefit service.
- (2) In these Regulations, a period of post-benefit qualifying service is the total of the following—
- (a) any period of post-benefit service under this scheme;
  - (b) for a transition member in respect of post-benefit service, any period of post-benefit service under the existing scheme before the member's transition date;
  - (c) if after P enters a period of post-benefit service a transfer payment has been accepted in respect of rights accrued under another occupational pension scheme, a period equal to the person's period of pensionable service under that scheme.
- (3) For the purpose of these Regulations, P enters a period of "post-benefit service" when—
- (a) P re-enters pensionable service—
    - (i) on or after reaching normal pension age; and
    - (ii) after a retirement pension (other than a phased retirement pension) or a short-service serious ill-health grant becomes payable; or
  - (b) P re-enters pensionable service—
    - (i) before reaching normal pension age; and
    - (ii) after a retirement pension (other than an ill health pension or phased retirement pension) or a short-service serious ill-health grant becomes payable.
- (4) For the purpose of these Regulations, P does not enter a period of "post-benefit service" if P re-enters pensionable service—
- (a) before reaching normal pension age; and
  - (b) after an ill-health pension or phased retirement pension becomes payable.

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**Status:** This is the original version (as it was originally made).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

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(5) Any period of service in respect of which P's rights under this scheme or the existing scheme are extinguished is not included in a period of post-benefit service<sup>(1)</sup>.

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(1) Regulation 183(4) provides for extinguishment of rights following the refund of the member's contributions. Regulation 197(6) provides for extinguishment of rights following a transfer value payment.