
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 292

**The Teachers' Pension Scheme
(Scotland) (No. 2) Regulations 2014**

PART 9

Contributions

CHAPTER 3

Repayment of contributions after short service

Meaning of “entitlement day” (repayment of balance of contributions)

182. The entitlement day for repayment of the balance of contributions is one month after the last day of pensionable service.

Entitlement to repayment of balance of contributions

183.—(1) A person (P) is entitled to a repayment of the balance of contributions calculated in accordance with regulation 185 on the entitlement day if—

- (a) P has left all pensionable service and does not re-enter pensionable service before the entitlement day;
- (b) P has applied under regulation 184 for the repayment; and
- (c) paragraph (2) does not apply.

(2) This paragraph applies if—

- (a) P is qualified for retirement benefits;
- (b) a transfer value payment has been made in respect of P's pensionable service; or
- (c) P is in a period of post-benefit service immediately before the last day of pensionable service⁽¹⁾.

(3) For the purpose of this regulation, P is in pensionable service while P is absent on maternity leave, paternity leave, additional paternity leave, parental leave or adoption leave if P is entitled to return from leave by virtue of Part 8 of the Employment Rights Act 1996⁽²⁾.

(4) If a repayment is made, P's rights under this scheme are extinguished.

(5) This regulation is subject to regulation 177.

(1) See regulation 121 for P's entitlement to a short service annuity if P is not re-qualified for retirement benefits in respect of a period of post-benefit service.

(2) 1996 c.18; Part 8 was amended by Schedule 4 to the Employment Relations Act 1999 (c.26) and sections 1 and 3 of the Employment Act 2002 (c.22).

Application for repayment of balance of contributions

184.—(1) A person (P) must apply in writing to the scheme manager for a repayment of the balance of contributions.

(2) P must satisfy a written request from the scheme manager to provide any information in the request.

(3) The information must be information—

- (a) in P's possession; or
- (b) which P can reasonably be expected to obtain.

Calculation of balance of contributions

185.—(1) The balance of contributions referred to in regulation 183(1) is—

$$(A - B) - C$$

where—

A is the total of the amounts specified in paragraph (2);

B is the total of the deductions specified in paragraph (3); and

C is the amount of tax chargeable on (A - B) under section 205 of FA 2004.

(2) The amounts are—

- (a) all standard contributions and faster accrual contributions paid up to the date of receipt of the application for repayment, except any paid in respect of a period of pensionable service for which a short-service serious ill-health grant has been paid; and
- (b) interest on those contributions from the first day of the financial year following that in which they were paid to the date of payment at 3% per year, compounded with yearly rests.

(3) The deductions are—

- (a) the amount of any previous repayment under regulation 183; and
- (b) if the scheme manager has paid a contributions equivalent premium, the amount recoverable by the scheme manager under sections 61 to 63 of PSA 1993.