

## SCHEDULE 3

### Transitional provisions

## PART 6

### Payment of benefits to transition members

#### CHAPTER 1

##### General

#### **Reaching normal pension age**

**19.**—(1) If a transition member (P) who applies for payment of retirement benefits under both schemes has reached normal pension age under the existing scheme but has not reached normal pension age under this scheme, the benefits payable under this scheme are to be actuarially reduced.

(2) If P has not reached normal pension age under the existing scheme or under this scheme, the benefits payable under both schemes are to be actuarially reduced.

(3) If P has reached normal pension age—

- (a) under the existing scheme, the benefits payable under that scheme are to be actuarially enhanced under the existing scheme rules (if applicable); or
- (b) under both schemes, the benefits payable under both schemes are to be actuarially enhanced (if applicable).

#### **Application of existing scheme rules**

**20.**—(1) The existing scheme rules apply in relation to the calculation of benefits payable in respect of pensionable service under the existing scheme.

(2) The existing scheme rules apply in relation to the payment of additional pension with a retirement pension under the existing scheme.

#### **Determination of final salary**

**21.** For the purpose of calculating benefits payable under the existing scheme to or in respect of a transition member with continuity of service, the member's final salary is determined by reference to Schedule 7 to the Act.

#### **Annual rate of pension**

**22.** The annual rate of pension payable to a transition member is found by adding—

- (a) the annual rate of pension payable under the existing scheme; and
- (b) the annual rate of pension payable under this scheme.

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## CHAPTER 2

### Application for payment of benefits

#### **Application for payment of age retirement pension**

**23.**—(1) When a transition member (P) applies for payment of an age retirement pension under this scheme, P must also apply under regulation E36 of the 2005 Regulations for payment of retirement benefits in respect of pensionable service under the existing scheme.

(2) A transition member (P) who has not reached normal pension age under this scheme may apply under regulation 159 for payment of age retirement benefits in respect of P's pensionable service under the existing scheme without applying for payment of P's retirement benefits in respect of pensionable service under this scheme.

#### **Application for payment of phased retirement pension**

**24.**—(1) When a transition member (P) makes a phased retirement application under this scheme, P may also elect under regulation C4B of the 2005 Regulations<sup>(1)</sup> to receive phased retirement benefits in respect of pensionable service under the existing scheme.

(2) P may elect to receive phased retirement benefits under the existing scheme without making a phased retirement application under this scheme.

(3) The phased retirement proportion specified in a phased retirement application under this scheme may be different from the fraction of reckonable service specified in an election under the existing scheme.

#### **Application for payment of premature retirement pension**

**25.** When a transition member (P) applies for payment of a premature retirement pension under this scheme, P must also apply under regulation E36 of the 2005 Regulations for payment of retirement benefits in respect of pensionable service under the existing scheme.

#### **Application for payment of early retirement pension**

**26.** When a transition member (P) applies for payment of an early retirement pension under this scheme, P must also apply under regulation E36 of the 2005 Regulations for payment of retirement benefits in respect of pensionable service under the existing scheme.

#### **Application for payment of ill-health pension**

**27.** A transition member (P) who applies for payment of an ill-health pension under this scheme is entitled to receive any benefits in respect of pensionable service in the existing scheme as part of the ill-health pension payable under this scheme.

#### **Entitlement to payment of total incapacity pension**

**28.** A transition member who becomes entitled to payment of a total incapacity pension under this scheme is not entitled to payment of a total incapacity pension under regulation E10A of the 2005 Regulations<sup>(2)</sup>.

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(1) Regulation C4B was added by [S.S.I. 2007/189](#) and amended by [S.S.I. 2008/227](#).

(2) Regulation E10A was added by [S.S.I. 2007/189](#) and amended by [S.S.I. 2008/227](#) and [S.S.I. 2014/69](#).

### **Calculation of retirement benefits after ill-health pension ceases to be payable**

- 29.**—(1) This paragraph applies to a transition member (P) if—
- (a) P is entitled to receive benefits payable under this scheme; and
  - (b) P was in receipt of a previous ill-health pension following an application which was received by the Scottish Ministers before 1st April 2007.
- (2) When this paragraph applies, regulation E17 of the 2005 Regulations applies with the modification that “(including pensionable service under the Teachers’ Pension Scheme (Scotland) Regulations 2014)” is inserted after “reckonable service”.

### **Reduction of ill-health pension and total incapacity pension**

- 30.**—(1) This paragraph applies to a transition member (P) if—
- (a) P is entitled to receive benefits payable under this scheme, including total incapacity pension; and
  - (b) P was in receipt of a previous ill-health pension following an application which was received by the Scottish Ministers before 1st April 2007.
- (2) When this paragraph applies, the scheme manager may determine after taking advice from the scheme actuary that either or both of the following benefits are reduced—
- (a) P’s total incapacity benefits under this scheme;
  - (b) part of P’s ill-health benefits under regulation E17 of the 2005 Regulations (including any by reference to paragraph 29).

### **Entitlement to payment of a short-service serious ill-health grant**

**31.** A transition member who becomes entitled to payment of a short-service serious ill-health grant under this scheme is not entitled to payment of a short-service serious ill-health grant under regulation E21 of the 2005 Regulations.

### **Application for payment of a surviving adult pension**

- 32.**—(1) When the surviving adult of a transition member applies for payment of a surviving adult pension under this scheme, the surviving adult must also apply under regulation E36 of the 2005 Regulations for payment of an adult pension under the existing scheme.
- (2) The enhancement of a surviving adult pension—
- (a) is applied under regulation 142; but
  - (b) is not applied under regulation E31 of the 2005 Regulations.

### **Calculation of a surviving adult pension of a surviving adult of a transition member**

- 33.**—(1) This paragraph applies to a surviving adult pension payment to a surviving adult of a transition member.
- (2) The short-term rate of surviving adult pension—
- (a) is payable under this scheme; but
  - (b) is not payable under regulation E28 of the 2005 Regulations.

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### **Long-term rate of a surviving adult pension of a surviving adult of a transition member**

34. The rate of a surviving adult pension of a surviving adult (S) of a transition member is the sum of—

- (a) the surviving adult pension under this scheme;
- (b) the adult pension under the 2005 Regulations;
- (c) any enhancement S is entitled to under regulation 142; and
- (d) any enhancement S is entitled to under Schedule 6 to the 2005 Regulations.

### **Reduction of surviving adult pension**

35.—(1) This paragraph applies if the surviving adult (S) of a transition member applies—

- (a) for payment of a surviving adult pension under this scheme; and
- (b) for payment of an adult pension under the 2005 Regulations.

(2) When this paragraph applies, the scheme manager may determine after taking advice from the scheme actuary that either or both of the following enhancements of surviving adult pension benefits are reduced—

- (a) S's enhancement of a surviving adult pension under regulation 142;
- (b) S's enhancement of a surviving adult pension under Schedule 6 to the 2005 Regulations.

### **Application for payment of an additional (surviving adult) pension**

36. When the surviving adult of a transition member applies for payment of an additional (surviving adult) pension under this scheme, the surviving adult must also apply under regulation E36 of the 2005 Regulations for payment of an additional pension under the existing scheme.

### **Application for payment of a child pension**

37.—(1) When the eligible child of a transition member applies for payment of a child pension under this scheme, the eligible child must also apply under regulation E36 of the 2005 Regulations for payment of a child pension under the existing scheme.

(2) The enhancement of a child pension—

- (a) is applied under regulation 149; but
- (b) is not applied under regulation E31 of the 2005 Regulations.

### **Calculation of a child pension of an eligible child of a transition member**

38.—(1) This paragraph applies to a child pension payment to a child of a transition member.

(2) The short-term rate of child pension—

- (a) is payable under this scheme; but
- (b) is not payable under regulation E28 of the 2005 Regulations.

### **Rate of a child pension of an eligible child of a transition member**

39. The long-term rate of a child pension of an eligible child (C) of a transition member is the sum of—

- (a) the child pension under this scheme;
- (b) the child pension under the 2005 Regulations;

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- (c) any enhancement C is entitled to under regulation 149; and
- (d) any enhancement C is entitled to under Schedule 6 to the 2005 Regulations.

#### **Reduction of child pension**

**40.**—(1) This paragraph applies if the eligible child (C) of a transition member applies—

- (a) for payment of a child pension under this scheme; and
- (b) for payment of a child pension under the 2005 Regulations.

(2) When this paragraph applies, the scheme manager may determine after taking advice from the scheme actuary that either or both of the following enhancements of child benefits are reduced—

- (a) C's enhancement of a child pension under regulation 149; and
- (b) C's enhancement of a child pension under Schedule 6 to the 2005 Regulations.

#### **Application for payment of a death in service grant**

**41.**—(1) The beneficiary of a transition member (D) who is entitled to a death in service grant under this scheme is not entitled to a death in service grant under regulation E24 of the 2005 Regulations.

(2) The amount of the death in service grant paid under this scheme must be reduced by the amount of any retirement lump sum paid under regulation E8 of the 2005 Regulations in respect of D's pensionable service under the existing scheme, other than one already recovered.

#### **Application for payment of a death out of service grant**

**42.**—(1) When the beneficiary of a transition member applies for payment of a death out of service grant under this scheme, the beneficiary must also apply under regulation E36 of the 2005 Regulations for payment of a death out of service grant under the existing scheme.

(2) The amount of the death out of service grant paid under this scheme must be reduced by the amount of any retirement lump sum paid under regulation E8 of the 2005 Regulations in respect of D's pensionable service under the existing scheme, other than one already recovered.

#### **Application for supplementary death grant**

**43.** The beneficiary of a transition member who is entitled to a supplementary death grant under this scheme is not entitled to a supplementary death grant under the existing scheme.

#### **Application for payment of benefits for pension credit members**

**44.**—(1) If a transition member (P) has not reached normal pension age under the existing scheme when P applies for payment of a pension credit retirement pension under this scheme, P must also apply for payment of benefits in respect of pensionable service under the existing scheme.

(2) If P has reached normal pension age under the existing scheme, P may apply for payment of a pension credit retirement pension in respect of pensionable service under—

- (a) either the existing scheme or this scheme; or
- (b) both the existing scheme and this scheme.