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STATUTORY INSTRUMENTS

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**1988 No. 1652**

**The Teachers' Superannuation (Consolidation) Regulations 1988**

**PART E**  
**BENEFITS**

**Entitlement to payment of retirement benefits**

**E4.**—(1) Subject to regulation E31(2) (application for payment), a person qualified for retirement benefits becomes entitled to payment of them in any of the Cases described in this regulation.

(2) In Case A the person—

- (a) has attained the age of 60,
- (b) has ceased to be in pensionable employment, and
- (c) is not within Case B, C or D.

(3) In Case B the person—

- (a) has attained the age of 60,
- (b) is in employment falling within paragraph 5, 6, 7 or 8 of Schedule 9, and
- (c) has elected under regulation E29(3) that his salary in the employment is not to count in calculating his average salary.

(4) In Case C the person—

- (a) has attained the age of 60, and
- (b) has ceased to be in employment falling within paragraph 5, 6, 7 or 8 of Schedule 9.

(5) In Case D the person—

- (a) has attained the age of 70, and
- (b) is in an employment which would be pensionable employment but for regulation B5(1)(a).

(6) In Case E the person—

- (a) has not attained the age of 60,
- (b) has ceased after 31st March 1972 to be in pensionable employment,
- (c) has become incapacitated, and
- (d) is not within Case F.

(7) In Case F the person—

- (a) has not attained the age of 60,
- (b) has attained the age of 50,
- (c) has ceased after attaining that age to be in pensionable employment, and
- (d) is not within Case E,

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and his employer has notified the Secretary of State in writing that his pensionable employment was terminated by reason of his redundancy or in the interests of the efficient discharge of the employer's functions.

(8) In Cases A to D the entitlement takes effect as soon as the person falls within the Case.

(9) In Case E the entitlement takes effect—

(a) as soon as the person falls within the Case, or

(b) if later, 6 months before the date of the last of any medical reports considered by the Secretary of State in determining under regulation H7 that the person had become incapacitated.

(10) In Case F the entitlement takes effect as from the day after the end of the pensionable employment.