
STATUTORY INSTRUMENTS

1997 No. 3001

The Teachers' Pensions Regulations 1997

PART E

BENEFITS

Enhancement of retirement benefits in case of incapacity

E8.—(1) This regulation applies to a person who has become entitled to payment of retirement benefits by virtue of regulation E4(3) or (4) by reason of his having become incapacitated before ceasing to be in pensionable employment, but only if—

- (a) he had completed periods of the kinds described in Schedule 8 totalling at least 5 years, excluding any contributions refund period, and
- (b) the application for payment required by regulation E33 is made within 6 months after the end of his pensionable employment.

(2) Subject to regulation E32(2) (limitation of effective reckonable service to 45 years, etc.), for the purpose of calculating the person's retirement benefits the effective reckonable service of a person to whom this regulation applies is to be treated as having been increased by the appropriate period.

(3) If the person's relevant service amounts to less than 10 years, the appropriate period is the shorter of—

- (a) the length of his relevant service, and
- (b) the period beginning when his pensionable employment ended and ending immediately before his 65th birthday.

(4) If the person's relevant service amounts to 10 years or more, the appropriate period is the longer of period A and period B.

(5) Period A is the shortest of—

- (a) the period by which the person's relevant service falls short of 40 years,
- (b) the period beginning when the person's pensionable employment ended and ending immediately before his 60th birthday, and
- (c) 6 years and 243 days.

(6) Period B is so much of the period beginning when the person's pensionable employment ended and ending immediately before his 65th birthday as would not cause his effective reckonable service to be increased to more than 20 years.

(7) A person's relevant service is so much of his effective reckonable service as does not consist of periods that count—

- (a) by virtue of regulation D3 (past period for which additional contributions have been paid), or
- (b) by virtue of the application to him of regulation 7 of the 1976 Regulations (war service).

Status: This is the original version (as it was originally made).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

(8) For the purposes of this regulation a person is to be treated as having been in pensionable employment during any period for which he was paying additional contributions under regulation C9 or C10.