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STATUTORY INSTRUMENTS

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**1997 No. 3001**

**The Teachers' Pensions Regulations 1997**

**PART E**

**BENEFITS**

**Avoidance of duplicate pensions**

**E9.**—(1) Subject to paragraph (2), this regulation applies where a person's effective reckonable service includes a period that also counts towards another pension payable directly or indirectly out of moneys provided by Parliament or by the rates or council tax levied by local authorities ("the double period").

(2) This regulation does not apply where the other pension is subject to reduction under Schedule D6 to the Local Government Pension Scheme Regulations 1995(1) or, when in force, regulation 142 of the Local Government Pension Scheme Regulations 1997(2) or where the other pension is payable under regulation 7 of the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997(3).

(3) Subject to paragraphs (4) and (5), where this regulation applies the person's retirement benefits are reduced by so much as is necessary to secure that

**A is reduced by B,**

where—

A is the actuarial value of the retirement benefits in respect of the double period, and

B is the actuarial value of the other pension in respect of that period.

(4) A is not to be reduced to less than the actuarial value of

**(C + D),**

where—

C is the amount of the contributions paid by the person in respect of the double period, including any paid under regulation C9 or C10, and

D is interest on those contributions at 3% per annum, compounded with yearly rests, from the first day of the financial year following that in which they were paid to the date on which the person became entitled to payment of the retirement pension.

(5) A retirement pension is not to be reduced so that so much of it as is attributable to the double period falls below the rate of any equivalent pension benefits attributable to that period.

(6) For the purposes of this regulation—

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(1) [S.I. 1995/1019](#).

(2) [S.I. 1997/1612](#).

(3) [S.I. 1997/311](#).

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**Status:** This is the original version (as it was originally made).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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- (a) the other pension includes any sum payable, whether as a continuing allowance or as a lump sum, by way of pension, superannuation allowance, compensation for loss or abolition of office or otherwise in respect of retirement; and
- (b) references to “retirement benefits” are references to such benefits before any actuarial reduction required by regulation E5(3) or E6(3).