
STATUTORY INSTRUMENTS

2010 No. 990

The Teachers' Pensions Regulations 2010

PART 3

Contributions

CHAPTER 2

Employees' Contributions

Entitlement to repayment of balance of contributions

22.—(1) This regulation applies where a person (T) has ceased to be in pensionable employment and—

- (a) T is not qualified for retirement benefits,
- (b) no transfer value has since been paid or become payable in respect of T,
- (c) T has not since taken any right to a cash equivalent,
- (d) T did not re-enter pensionable employment within one month after ceasing to be in pensionable employment, and
- (e) T has not elected to pay contributions under regulation C9 of TPR 1997 or regulation 19 (election to pay contributions by a person serving in a reserve force) for any period which includes the period beginning when T ceased to be in pensionable employment and ending one month later.

(2) But this regulation—

- (a) does not apply if T ceased to be in pensionable employment before 6th April 1980, and the salary on which contributions were payable by T under TSR 1976 or under previous provisions in any year had exceeded £5,000, and
- (b) is subject to regulation 124 (general prohibition on unauthorised payments).

(3) For the purposes of paragraph (1) if a person (T) ceases to be in pensionable employment because T is absent on maternity, paternity, parental or adoption leave in respect of which T is entitled to return from leave pursuant to any provision of, or of regulations made under, Part 8 of the Employment Rights Act 1996⁽¹⁾ that period of absence is treated as pensionable employment.

(4) Where this regulation applies T is entitled to be repaid the balance of T's contributions, calculated in accordance with regulation 23, but this paragraph is subject to regulation 24 (application for repayment of contributions).

(5) The entitlement to repayment takes effect one month after the person ceased to be in pensionable employment.

(1) 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).

Status: *This is the original version (as it was originally made).*
