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STATUTORY INSTRUMENTS

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**2018 No. 218**

**PUBLIC SERVICE PENSIONS,  
ENGLAND AND WALES  
EDUCATION, ENGLAND AND WALES**

**The Teachers' Pensions Schemes  
(Amendment) Regulations 2018**

*Made* - - - - *20th February 2018*  
*Laid before Parliament* *26th February 2018*  
*Coming into force* - - *1st April 2018*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 9 and 12 of, and Schedule 3 to, the Superannuation Act 1972 ('the 1972 Act')(1) and sections 1(1) and (2)(d)(2), 2(3), 3(1), (2) and (3) and 8(1)(a) and (2)(a) of, and paragraph 4 of Schedule 1, paragraph 4(a) of Schedule 2 and Schedule 3 to, the Public Service Pensions Act 2013 ('the 2013 Act')(4).

In accordance with section 9(5) of the 1972 Act, the Secretary of State has consulted representatives of local authorities and of teachers and representatives of such other persons likely to be affected by these Regulations as appear to the Secretary of State to be appropriate.

The Secretary of State has consulted representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations in accordance with section 21 of the 2013 Act.

In accordance with section 9(1) of the 1972 Act(5) and section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

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- (1) [1972 c.11](#). Section 9 was amended by sections 4, 8 and 11 of the Pensions (Miscellaneous Provisions) Act [1990 \(c.7\)](#); paragraph 7 of Schedule 8 to the Pension Schemes Act [1993 \(c.48\)](#); article 107 of [S.I. 2001/3649](#); and article 5 of, and paragraph 27 of Schedule 2 to, [S.I. 2010/1158](#). Section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990.
- (2) See section 1(4) of the 2013 Act for the meaning of "scheme regulations" and paragraph 4 of Schedule 1 to the 2013 Act for the meaning of "teachers".
- (3) See section 2(2) of the 2013 Act for the meaning of "responsible authority".
- (4) [2013 c.25](#).
- (5) See [S.I. 1981/1670](#) which transferred the consent function in section 9(1) of the 1972 Act from the Minister for the Civil Service to the Treasury.

### **Citation, commencement and effect**

1.—(1) These Regulations may be cited as the Teachers’ Pensions Schemes (Amendment) Regulations 2018.

(2) These Regulations come into force on 1st April 2018 but have effect as follows—

- (a) The amendments made by regulation 2 have effect from 1st September 2010; and
- (b) The amendments made by regulation 3 have effect from 1st April 2015.

### **Amendments to the Teachers’ Pensions Regulations 2010**

2.—(1) The Teachers’ Pensions Regulations 2010(6) are amended as follows.

(2) In regulation 104(1) (death grant: death of pension credit member before benefits payable) for “is payable” substitute “may be paid”.

(3) In regulation 106(1) (death grant: death of pension credit member after benefits payable) for “is payable” substitute “may be paid”.

### **Amendments to the Teachers’ Pension Scheme Regulations 2014**

3.—(1) The Teachers’ Pension Scheme Regulations 2014(7) are amended as follows.

(2) In regulation 138 (payment of death grant) for “a death grant is payable as follows” substitute “where a death grant is to be paid, the payment must be made”.

(3) In regulation 139(1) (death in service grant) for “is payable” substitute “may be paid”.

(4) In regulation 140(1) (death out of service grant) for “is payable” substitute “may be paid”.

(5) In regulation 141(1) (supplementary death grant payable on death of pensioner member) for “is payable” substitute “may be paid”.

(6) In regulation 158(1) (death grant: death of pension credit member before pension becomes payable) for “is payable” substitute “may be paid”.

(7) In regulation 159(1) (death grant: death of pension credit member after benefits payable) for “is payable” substitute “may be paid”.

(8) In regulation 160 (payment of death grant) for “the death grant must be paid” substitute “where a death grant is to be paid, the payment must be made”.

14th February 2018

*Nick Gibb*  
Minister of State  
Department for Education

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(6) S.I. 2010/990, to which there are amendments not relevant to these Regulations.

(7) S.I. 2014/512, to which there are amendments not relevant to these Regulations.

We consent

20th February 2018

*Paul Maynard*  
*Andrew Stephenson*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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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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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Teachers' Pensions Regulations 2010 ("the 2010 Regulations") and the Teachers' Pension Scheme Regulations 2014 ("the 2014 Regulations").

These Regulations provide that provisions of this instrument are to have effect from a date before the commencement of these Regulations (*regulation 1*). Section 12(1) of the Superannuation Act 1972 (c.11) and section 3(3)(b) of the Public Service Pensions Act 2013 (c.25) provide authority for the provisions to take effect as from a date earlier than the making of these Regulations.

Regulation 2 amends the 2010 Regulations with regard to death grant provisions relating to pension credit members of the scheme governed by those Regulations. Regulation 3 amends the 2014 Regulations with regard to death grant provisions relating to all members of the scheme governed by those Regulations. The effect of the amendments is to clarify that payment of death grant by the scheme manager is at the discretion of the scheme manager.

An impact assessment has not been produced for this instrument as it has no impact on business or civil society organisations. The instrument has a minimal impact on the public sector.