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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 217**

**The Teachers' Pension Scheme (Scotland) Regulations 2014**

**PART 5**

Retirement benefits for teachers

**CHAPTER 7**

Short-service serious ill health grant

**Application for payment of grant**

**116.**—(1) An application made by a person (P) under regulation 159 for payment of a short-service serious ill-health grant—

- (a) must be accompanied by all the medical evidence necessary for the scheme manager to determine that P is entitled to the payment; and
  - (b) must be signed by P's employer.
- (2) The medical evidence must include a medical report containing evidence that P—
- (a) meets the incapacity condition; and
  - (b) has a life expectancy of less than a year.
- (3) An application is not to be granted unless it is made—
- (a) before P leaves all eligible employment; or
  - (b) within 6 months after the last day of pensionable service.

**Meaning of “entitlement day” (short-service serious ill-health grant)**

**117.** The entitlement day for a short-service serious ill-health grant is the day after a person (P) leaves all eligible employment because P is incapacitated.

**Entitlement to short-service serious ill-health grant**

**118.**—(1) A person (P) is entitled to payment of a short-service serious ill-health grant on the entitlement day if—

- (a) P was in pensionable service (other than post-benefit service) for at least 12 months;
- (b) P leaves all eligible employment because P is incapacitated;
- (c) P is not qualified for retirement benefits;
- (d) P has not reached 75;
- (e) P has applied under regulation 159 for payment of the grant; and
- (f) the scheme manager is satisfied after consideration of the medical report that—
  - (i) P meets the incapacity condition; and

(ii) P has a life expectancy of less than a year.

(2) This regulation does not apply if P is in a period of post-benefit service immediately before the entitlement day.

**Amount of grant**

**119.**—(1) The amount of a short-service serious ill-health grant is the greater of—

- (a) 1/6th of the member's annual rate of pensionable earnings as at the last day of pensionable service; and
- (b) the total of the amounts specified in paragraph (2).

(2) The amounts are—

- (a) all members' contributions, additional pension contributions, buy-out contributions and faster accrual contributions paid up to the date of receipt of the application under regulation 116, except any paid in respect of a period of pensionable service for which a short-service serious ill-health grant has been paid; and
- (b) interest on those contributions from the first day of the financial year following that in which they were paid to the date of payment at 3% per year, compounded with yearly rests.