SCOTTISH STATUTORY INSTRUMENTS

2014 No. 217

The Teachers' Pension Scheme (Scotland) Regulations 2014

PART 8

Payment of benefits

CHAPTER 3

Payment of lump sums

Commutation: small pensions

168.—(1) If paragraph (2) applies, the scheme manager may, on the application of a member (P), commute a retirement pension by paying a lump sum to P.

(2) This paragraph applies if—

(a) the lump sum is a trivial commutation lump sum as defined in paragraphs 7 and 7A of Schedule 29 to FA 2004 or falls within regulation 11 or 12 of the Registered Pension Schemes (Authorised Payments) Regulations 2009(**1**);

(b) the application under paragraph (1) is made when P applies under regulation 159 for payment of the retirement pension;

(c) in the 3 years ending with the date of the application, a transfer value payment has not been made in respect of P;

(d) a transfer value payment or cash transfer sum has not been accepted under Part 10 in respect of P's rights accrued under a personal pension scheme; and

(e) in the 5 years ending with the date of the application, a transfer value payment or cash transfer sum has not been accepted under Part 10 in respect of rights accrued under another occupational pension scheme.

(3) If a lump sum is paid under paragraph (1), benefits are not payable under Part 6 on P's death.

(4) The scheme manager may, on the application of a pension credit member (P), commute a pension credit retirement pension by paying a lump sum to P if—

(a) the lump sum is a trivial commutation lump sum as defined in paragraph 7 of Schedule 29 to FA 2004 or falls within regulation 11 or 12 of the Registered Pension Schemes (Authorised Payments) Regulations 2009;

(b) the application is made when P applies under regulation 159 for payment of the pension; and

(c) in the 3 years ending with the date of the application, a transfer value payment has not been made in respect of P.

(5) The scheme manager may, on the application of a beneficiary to whom a pension is payable under Part 6, commute that pension by paying a lump sum to the beneficiary if—

(**1**) S.I. 2009/1171.

(a) the application is made when the beneficiary applies under regulation 159 for payment of the pension; and

(b) the lump sum is a trivial commutation lump sum death benefit as defined in paragraph 20 of Schedule 29 to FA 2004.

(6) A lump sum payable under this regulation is to be determined by the scheme manager after taking advice from the scheme actuary.