
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 292

**The Teachers' Pension Scheme
(Scotland) (No. 2) Regulations 2014**

PART 3

Scheme membership

CHAPTER 3

Pensionable service

SECTION 2

Service in Her Majesty's armed forces

Pensionable service – armed forces service

24. For the purpose of these Regulations, a person is in pensionable service during any period of permanent service in the armed forces in respect of which an election under regulation 25 has effect or is taken to have effect.

Election for armed forces service to be pensionable

25.—(1) This regulation applies in relation to an active member (P) who is called out, or recalled, for permanent service in Her Majesty's armed forces under a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996⁽¹⁾.

(2) P may by written notice to the scheme manager elect to treat the period of permanent service as pensionable service.

(3) For the purpose of these Regulations, P leaves all pensionable service from the beginning of the period of permanent service if P does not make an election within 6 months after the period of permanent service ends.

(4) If P makes an election, the scheme manager must give P a written notice setting out the contributions payable in respect of the period of permanent service.

(5) The election has effect from the beginning of the period of permanent service if—

- (a) P pays the contributions by lump sum within 3 months after receiving the notice; or
- (b) P pays contributions by monthly payments in accordance with regulation 181 in respect of the whole period.

(6) If P only pays contributions in respect of part of the period of permanent service, the election has effect only in respect of that part of the period.

(1) 1996 c.14.

- (7) In this regulation, a period of permanent service begins when P is called out or recalled and ends on whichever is the earlier of—
- (a) the day on which P's permanent service ends; or
 - (b) the day on which P begins to accrue benefits under the Armed Forces Pension Scheme or any other occupational pension scheme in respect of P's permanent service.
- (8) If P dies while in permanent service and P has not made an election—
- (a) P is taken to have made an election;
 - (b) any contributions payable are to be deducted from any benefits payable under these Regulations; and
 - (c) the election is taken to have effect from the beginning of the period of permanent service.