
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 292

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

PART 5

Retirement benefits for teachers

CHAPTER 6

Ill health retirement

SECTION 1

General

Interpretation

103. In this Chapter—

“ill-health application” means an application under regulation 159 for payment of—

- (a) an ill-health pension; and
- (b) if applicable, a total incapacity pension;

“medical report” means a medical report accompanying an ill-health application.

Incapacity definitions

104. In this Chapter, a person (P)—

- (a) is incapacitated if, as a result of illness or injury, P is unfit to be in eligible employment despite appropriate medical treatment;
- (b) meets the incapacity condition if—
 - (i) P is incapacitated; and
 - (ii) P is likely to be incapacitated permanently; and
- (c) meets the total incapacity condition if—
 - (i) P is incapacitated; and
 - (ii) P's ability to carry out any work is impaired by more than 90% and is likely to be impaired by more than 90% permanently.

Ill-health applications

105.—(1) An ill-health application made by a person (P)—

- (a) must be accompanied by all the medical evidence necessary for the scheme manager to determine that P is entitled to the payment of an ill-health pension or a total incapacity pension; and
- (b) must be signed by P's employer unless—
 - (i) P left all eligible employment for a reason other than because P was incapacitated; or
 - (ii) P made the ill-health application more than 2 years after the last day of pensionable service.
- (2) The medical evidence must include a medical report containing evidence that P meets—
 - (a) the incapacity condition; and
 - (b) if applicable, the total incapacity condition.
- (3) An application for a total incapacity pension will not be granted unless it is made—
 - (a) before P leaves all eligible employment; or
 - (b) within 2 years after the last day of pensionable service.