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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 292**

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

**PART 5**

Retirement benefits for teachers

CHAPTER 6

Ill health retirement

*SECTION 2*

*Ill-health pension*

**Entitlement day for ill-health pension**

**106.**—(1) The entitlement day for an ill-health pension is the latest of the following—

- (a) the day specified in the medical report as the day on which a person (P) first met the incapacity condition or, if applicable, the total incapacity condition;
- (b) the day which occurs 6 months before the date of a medical report following consideration of which the scheme manager is satisfied that P meets the incapacity condition or, if applicable, the total incapacity condition;
- (c) the day after P leaves all eligible employment.

(2) The entitlement day must not be before the date of any medical report following consideration of which the scheme manager was not satisfied that P met the incapacity condition or, if applicable, the total incapacity condition.

**Entitlement to ill-health pension**

**107.**—(1) A member (P) is entitled to payment of an ill-health pension from the entitlement day if—

- (a) P is qualified or re-qualified for retirement benefits;
- (b) P has not reached normal pension age;
- (c) P has left all eligible employment;
- (d) P has applied under regulation 159 for payment of an ill health pension;
- (e) P has not applied under that regulation for payment of any other retirement pension; and
- (f) the scheme manager is satisfied after consideration of a medical report that—
  - (i) if paragraph (2) applies, P meets the incapacity condition and the total incapacity condition; or
  - (ii) if paragraph (3) applies, P meets the incapacity condition.

- (2) This paragraph applies if—
  - (a) P left all eligible employment for a reason other than because P was incapacitated; or
  - (b) P made the ill health application more than 2 years after the last day of pensionable service.
- (3) This paragraph applies if—
  - (a) P left all eligible employment because P was incapacitated; and
  - (b) P made the ill-health application—
    - (i) before leaving all eligible employment; or
    - (ii) within 2 years after the last day of pensionable service.
- (4) Except as provided in regulation 111, an ill-health pension is payable for life.

#### **No entitlement to ill-health pension**

- 108.**—(1) A member (P) is not entitled to payment of an ill-health pension—
- (a) in respect of any pensionable service after P reaches normal pension age; or
  - (b) if paragraph (2) applies.
- (2) This paragraph applies if—
- (a) P is registered or formerly registered with the General Teaching Council for Scotland and—
    - (i) P’s name has been removed from that Council’s register following a direction by the Council’s Disciplinary Committee; or
    - (ii) P is under an investigation which might result in such removal; or
  - (b) P—
    - (i) is not and has not been registered with that Council; and
    - (ii) has ceased to be in pensionable employment as a result of a dismissal on grounds of misconduct.

#### **When ill-health pension does not become payable**

- 109.**—(1) If an ill-health pension does not become payable before the death of a member (D), a death grant is payable in respect of the member.
- (2) For the purpose of paragraph (1)—
- (a) an ill-health pension does not become payable before D’s death unless the initial payment of the pension is made before D’s death; and
  - (b) an ill-health pension that becomes payable before D’s death but ceases to be payable under regulation 111 or 115 is taken not to become payable before D’s death.

#### **Annual rate of ill-health pension**

- 110.** The annual rate of ill-health pension payable to a person (P) is found by—
- (a) taking the amount of full retirement earned pension specified in P’s pensioner member’s account;
  - (b) adding the amount of full retirement additional pension (if any) specified in that account; and
  - (c) subtracting the commutation amount (if any) specified in that account in relation to the sum of those amounts.

**When ill-health pension ceases to be payable**

- 111.**—(1) An ill-health pension ceases to be payable on the earlier of the following dates—
- (a) the date on which a person (P) re-enters eligible employment;
  - (b) the date on which P engages in any work as a teacher which is not an eligible employment.
- (2) An ill-health pension does not cease to be payable on that date if P has reached normal pension age.