
STATUTORY INSTRUMENTS

2010 No. 990

The Teachers' Pensions Regulations 2010

PART 3

Contributions

CHAPTER 2

Employees' Contributions

Teachers' ordinary contributions

18.—(1) A person in pensionable employment must pay contributions at a percentage rate, determined in accordance with paragraphs 2 and 3 of Schedule 3 (employees' contributions), of the person's contributable salary for the time being.

(2) This regulation does not apply to a person who has reckonable service of more than 45 years.

Election to pay contributions by a person serving in a reserve force

19.—(1) This paragraph applies to a person who ceases to be in pensionable employment by virtue of being called out, or recalled, for permanent service in Her Majesty's armed forces in pursuance of a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996^{M1}.

(2) A person to whom paragraph (1) applies may by giving written notice to the Secretary of State, elect that the period mentioned in paragraph (3) is to be treated as reckonable service.

(3) The period begins on the day after the cessation of pensionable employment and ends on the earlier of the day on which—

- (a) the person's permanent service ends, or
- (b) the person begins to accrue service which counts for the purpose of benefits under the Armed Forces Pension Scheme or any other occupational pension scheme in respect of that person's permanent service.

(4) Notice under paragraph (2) may not be given more than 6 months after the end of the period mentioned in paragraph (3).

(5) Where a person has made an election under paragraph (2) the period mentioned in paragraph (3) is treated as reckonable service provided that the person pays any contributions specified in a written notice given by the Secretary of State, within 3 months after receiving such a notice.

(6) Contributions referred to in paragraph (5) are—

- (a) contributions referred to in paragraph (7), unless paragraph (11) applies,
- (b) (where applicable) any contributions referred to in sub-paragraphs (a) to (g) of regulation 28(3) (deduction by employers of contributions etc. from salary, payment in default and interest).

- (7) The amount of the contributions must be calculated in accordance with—
- (a) regulation 18 (teachers' ordinary contributions), and
 - (b) where an election has been made under regulation C2 of TPR 1997, regulation C3(4) of those Regulations (which continues to have effect for certain purposes by virtue of paragraph 6 of Schedule 13)

and as if the reference to “contributable salary” in regulation 18 and the reference to “actual contributable salary” in regulation C3(4) of TPR 1997 were references to the notional salary of the person who makes an election under this regulation.

(8) The notional salary of a person who makes an election under this regulation is the amount which would have been the person's contributable salary if pensionable employment had not ceased and the person had continued to be employed in the same post and on the same terms increased on 1st April following the beginning of the period specified in paragraph (3) and on each subsequent 1st April during that period by (RI-RE)/RE, where—

(9) RI is the retail prices index for the March immediately preceding the April in which the increase occurs, and

(10) RE is the retail prices index for the month in which the period began.

(11) This paragraph applies where during the period referred to in paragraph (3) the person's service pay, when aggregated with any payments under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951^{M2}, is less than the remuneration which the person would have received if the person had continued during the period in the pensionable employment in which the person was employed immediately before being called, or recalled, into service in a reserve force.

(12) Where a person to whom paragraph (1) applies dies during permanent service before making an election under paragraph (2), the person is treated as having made such an election and any contributions due under this regulation are to be deducted from any benefits payable under these Regulations.

Marginal Citations

M1 1996 c.14

M2 1951 c. 65

Contributions for additional pensions

20. Schedule 4 (contributions for additional pensions) has effect for the purpose of enabling contributions to be paid for an additional pension.

Family benefit contributions

21. Schedule 5 (family benefit contributions) has effect for the purpose of enabling family benefit contributions to be paid.

Entitlement to repayment of balance of contributions

22.—(1) This regulation applies where a person (T) has ceased to be in pensionable employment and—

- (a) T is not qualified for retirement benefits,
- (b) no transfer value has since been paid or become payable in respect of T,
- (c) T has not since taken any right to a cash equivalent,

- (d) T did not re-enter pensionable employment within one month after ceasing to be in pensionable employment, and
 - (e) T has not elected to pay contributions under regulation C9 of TPR 1997 or regulation 19 (election to pay contributions by a person serving in a reserve force) for any period which includes the period beginning when T ceased to be in pensionable employment and ending one month later.
- (2) But this regulation—
- (a) does not apply if T ceased to be in pensionable employment before 6th April 1980, and the salary on which contributions were payable by T under TSR 1976 or under previous provisions in any year had exceeded £5,000, and
 - (b) is subject to regulation 124 (general prohibition on unauthorised payments).
- (3) For the purposes of paragraph (1) if a person (T) ceases to be in pensionable employment because T is absent on maternity, paternity, parental or adoption leave in respect of which T is entitled to return from leave pursuant to any provision of, or of regulations made under, Part 8 of the Employment Rights Act 1996 ^{M3} that period of absence is treated as pensionable employment.
- (4) Where this regulation applies T is entitled to be repaid the balance of T's contributions, calculated in accordance with regulation 23, but this paragraph is subject to regulation 24 (application for repayment of contributions).
- (5) The entitlement to repayment takes effect one month after the person ceased to be in pensionable employment.

Marginal Citations

M3 1996 c.18; Part 8 was amended by Schedule 4 to the [Employment Relations Act 1999 \(c.26\)](#) and sections 1 and 3 of the [Employment Act 2002 \(c.22\)](#).

Calculation of contributions to be repaid

- 23.**—(1) The balance of contributions referred to in regulation 22(4) is (A-B)-C, where—
- A is the total of the amounts specified in paragraph (2),
 - B is the total of the deductions specified in paragraph (4), and
 - C is the amount of tax chargeable on (A-B) under section 205 of FA 2004.
- (2) The amounts are those of—
- (a) all contributions paid, up to the date of receipt of the application for repayment, under regulations 18 (teachers' ordinary contributions) and 19 (election to pay contributions by a person serving in a reserve force), and Schedules 4 (contributions for additional pensions) and 5 (family benefit contributions) and under the provisions of TPR 1997 specified in paragraph (3) (which continue to have effect by virtue of paragraphs 8 and 10 of Schedule 13) except—
 - (i) any treated for the purposes of regulation 126 (receipts etc. to be credited) as employers' contributions, and
 - (ii) any paid in respect of a period of pensionable employment for which a short-service incapacity grant or a short-service serious ill health grant has been paid;
 - (b) contributions paid in respect of any comparable British service in respect of which the person is entitled to count reckonable service by virtue of the acceptance of a transfer value;

- (c) if the person (T) was entitled to count any reckonable service by virtue of the acceptance of a transfer value in respect of an employment that was not comparable British service, either—
 - (i) any payment by way of repayment of contributions, and interest, that T would otherwise have been entitled to receive under the rules of the pension scheme to which he was subject in the employment, or
 - (ii) if that scheme made no provision for the repayment of contributions, the contributions T paid under it in respect of the employment;
- (d) interest to the date of payment at 3% per year, compounded with yearly rests—
 - (i) on the contributions mentioned in sub-paragraphs (a) and (b), from the first day of the financial year following that in which they were paid, and
 - (ii) where sub-paragraph (c) applies, on the sum mentioned in that sub-paragraph, from the first day of the financial year following that in which the transfer value was paid to the Secretary of State.
- (3) The provisions of TPR 1997 are—
 - (a) regulation C3(3) where an election has been made under regulation C2(1) of those Regulations,
 - (b) Part 1 or 2 of Schedule 4, where an election has been made under regulation C4(2) of those Regulations, and
 - (c) regulation C9, where an election has been made under paragraph (2) of that regulation.
- (4) The deductions are—
 - (a) the amount of any previous repayment of contributions,
 - (b) if the Secretary of State has made a payment in lieu of contributions, or the person is entitled to equivalent pension benefits, half of the amount of the payment in lieu of contributions that was, or, as the case may be, would otherwise have been made, and
 - (c) if the Secretary of State has paid a contributions equivalent premium, the amount recoverable by the Secretary of State under sections 61 to 63 of PSA 1993.

Application for repayment of contributions

24.—(1) An amount to which a person is entitled under regulation 22 is to be paid to the person only if the Secretary of State receives a written application for payment and paragraph (2), if applicable, is complied with.

(2) The applicant (A) must provide any relevant information specified by the Secretary of State which is in A's possession, or which A can reasonably be expected to obtain, if the Secretary of State notifies A in writing that such information is required.

Return of repaid contributions

- 25.—**(1) This paragraph applies to a person—
- (a) to whom the Secretary of State repaid contributions before June 1973, and
 - (b) who is in pensionable employment or comparable British service.
- (2) But paragraph (1) does not apply to a person—
- (a) to whom a teacher's pension is payable, or
 - (b) who is in comparable British service and in respect of whom the Secretary of State has paid a cash equivalent or a transfer value since the end of the person's last period of pensionable employment.

(3) A person to whom paragraph (1) applies may, by giving written notice to the Secretary of State, elect to return the contributions to the Secretary of State with interest.

(4) Where a person makes an election under paragraph (3) the person must pay the amount to the Secretary of State within 10 weeks of receiving written notice of the amount.

(5) Interest is payable at the rate of 3.5% per year compounded with yearly rests from the date on which the contributions were repaid to the date on which the payment of the return of contributions is made.

Repayment of contributions where salary is restricted under regulation 39

26.—(1) This regulation applies where the relevant salary of a person (P) during the last 365 days of P's average salary service is restricted by regulation 39.

(2) Where this regulation applies the Secretary of State is to repay—

(a) to P a sum equivalent to A-B, and

(b) to P's last employer before retirement benefits became payable to P, a sum equivalent to C-D.

(3) In paragraph (2)—

A is the aggregate of the contributions paid by P under regulation 18 or Schedule 5 or under Schedules 4 or 5 of TPR 1997 during all relevant periods;

B is the aggregate of the contributions which would have been paid under regulation 18 or Schedule 5 or under Schedules 4 or 5 of TPR 1997 during all relevant periods if P had actually received the salary which P is treated as receiving during each relevant period by virtue of regulation 39(2)(a), (b) or (c);

C is the aggregate of the contributions paid by P's employer under regulation 27 during all relevant periods;

D is the aggregate of the contributions which would have been paid by P's employer under regulation 27 if P had actually received the salary which P is treated as receiving during each relevant period by virtue of regulation 39(2)(a), (b) or (c).

(4) In this regulation a “relevant period” is any of—

(a) the last 365 days of P's average salary service,

(b) Year 1 (as defined in regulation 39(9)), or

(c) Year 2 (as defined in regulation 39(9))

in which P is treated as receiving a relevant salary in accordance with regulation 39(2)(a), (b) or (c) but Year 1 or Year 2 are only relevant periods if the operation of regulation 39(2)(b) or (c) affects the relevant salary which P is treated as receiving during the last 365 days of P's average salary service.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Teachers' Pensions Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations restricted by [S.I. 2023/871 reg. 30](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 2(aa) inserted by [S.I. 2012/979 Sch. para. 28\(2\)\(b\)](#)
- Sch. 2 para. 2(ab) inserted by [S.I. 2014/2651 reg. 22\(a\)](#)
- Sch. 2 para. 26 inserted by [S.I. 2014/2651 reg. 22\(b\)](#)
- Sch. 2 Pt. 1 para. 14A inserted by [S.I. 2014/424 reg. 7](#)
- Sch. 2 para. 22(m) inserted by [S.I. 2019/1134 reg. 14](#)
- Sch. 2 para. 3A inserted by [S.I. 2021/805 reg. 10\(b\)](#)
- Sch. 2 para. 2(ab) inserted by [S.I. 2014/2651, reg. 22\(a\)](#) (as substituted) by [S.I. 2021/805 reg. 2\(2\)](#)
- Sch. 2 para. 26 inserted by [S.I. 2014/2651, reg. 22\(b\)](#) (as substituted) by [S.I. 2021/805 reg. 2\(2\)](#)
- Sch. 2 Pt. 1 para. 6(a) substituted by [S.I. 2019/1027 reg. 33](#)
- Sch. 3 para. 2(2)-(7) and table substituted for Sch. 3 para. 2(2) by [S.I. 2014/2651 reg. 23\(a\)](#)
- Sch. 5 para. 5(aa) inserted by [S.I. 2019/1134 reg. 16\(1\)\(c\)\(i\)](#)
- Sch. 5 para. 7(1A) inserted by [S.I. 2019/1134 reg. 16\(1\)\(d\)\(ii\)](#)
- Sch. 5 para. 9(ba) inserted by [S.I. 2019/1134 reg. 16\(1\)\(e\)\(i\)](#)
- Sch. 6 Pt. 1 para. 10A inserted by [S.I. 2011/614 Sch. 2 para. 13\(3\)](#)
- Sch. 7 para. 4(2A) inserted by [S.I. 2017/1084 reg. 7\(b\)](#)
- Sch. 7 para. 12(3A) inserted by [S.I. 2017/1084 reg. 7\(c\)](#)
- Sch. 7 para. 6(1A) inserted by [S.I. 2019/1134 reg. 17\(b\)](#)
- Sch. 8 para. 1(2)(h)(ia)(ib) inserted by [S.I. 2019/1458 Sch. 3 para. 115\(3\)\(a\)\(iii\)](#)
- Sch. 8 para. 1(1)(e) substituted by [S.I. 2021/805 reg. 13\(2\)](#)
- Sch. 8 para. 1(1)(b)(ba) substituted for Sch. 8 para. 1(1)(b) by [S.I. 2019/1458 Sch. 3 para. 115\(3\)\(a\)\(ii\)](#)
- Sch. 13 para. 88A substituted for Sch. 13 para. 8 by [S.I. 2014/2651 reg. 29\(a\)](#)
- reg. 2A2B inserted by [S.I. 2014/560 Sch. 3 para. 17](#)
- reg. 2A omitted by [S.I. 2019/1134 reg. 6](#)
- reg. 2A(1) words substituted by [S.I. 2014/3061 Sch. 1 para. 11\(2\)](#)
- reg. 2B omitted by [S.I. 2019/1134 reg. 6](#)
- reg. 2C inserted by [S.I. 2014/3061 Sch. 1 para. 11\(2\)\(4\)](#)
- reg. 6(1A) inserted by [S.I. 2012/2270 reg. 3\(a\)](#)
- reg. 6(2A) inserted by [S.I. 2012/2270 reg. 3\(b\)](#)
- reg. 6(3A) inserted by [S.I. 2012/2270 reg. 3\(c\)](#)
- reg. 9(4)(c) and word inserted by [S.I. 2014/424 reg. 4\(b\)](#)
- reg. 13(7A) inserted by [S.I. 2021/805 reg. 6\(6\)](#)
- reg. 13A inserted by [S.I. 2021/805 reg. 7](#)
- reg. 14A-14H inserted by [S.I. 2014/424 reg. 5](#)
- reg. 14A(5) word substituted by [S.I. 2014/2651 reg. 5](#)
- reg. 14F(c) words omitted by [S.I. 2014/2651 reg. 6\(b\)](#)
- reg. 14F(c) words substituted by [S.I. 2014/2651 reg. 6\(a\)](#)
- reg. 17(3A) inserted by [S.I. 2014/2651 reg. 8\(b\)](#)
- reg. 17(12)(13) substituted for reg. 17(12) by [S.I. 2014/2651 reg. 8\(c\)](#)

- reg. 27(3) inserted by [S.I. 2021/805](#) reg. 8
- reg. 30(1)(d) and word inserted by [S.I. 2014/2651](#) reg. 9
- reg. 64-64D substituted for reg. 64 by [S.I. 2014/2651](#) reg. 15
- reg. 64B modified by [S.I. 2015/601](#) reg. 31(5)(a)
- reg. 83(3A) inserted by [S.I. 2017/1084](#) reg. 5
- reg. 85(3A) inserted by [S.I. 2017/1084](#) reg. 6
- reg. 87A inserted by [S.I. 2019/1134](#) reg. 8
- reg. 129(2A) inserted by [S.I. 2011/614](#) Sch. 2 para. 10(3)