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STATUTORY INSTRUMENTS

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**2010 No. 990**

**The Teachers' Pensions Regulations 2010**

**PART 7**

**Benefits for teachers**

**CHAPTER 7**

**Other benefits**

**Short-service annuity**

77.—(1) This regulation applies where the contributions of a person who has not been in pensionable employment at any time after 5th April 1980 cannot be repaid under regulation 22(2) because the salary on which contributions were payable exceeded £5,000.

(2) A short-service annuity is payable to the person for life from the date of the person's 60th birthday.

(3) The annual rate of the annuity is the actuarial equivalent of the person's contributions (calculated in accordance with regulation 23) as at the date of the person's 60th birthday.

**Short-service annuity: unauthorised payments**

78.—(1) This regulation applies where the repayment of a person's contributions under regulation 22 is not made because of regulation 124 (general prohibition on unauthorised payments) but where the person would otherwise be entitled to repayment of contributions.

(2) A short-service annuity is payable to the person (P) from the date specified by P in P's application which must be no earlier than 6 weeks after the date on which P's application is made.

(3) Except as otherwise provided in these Regulations, the annuity is payable for life.

(4) The annual rate of the annuity is the actuarial equivalent of the contributions which would have been repaid.

**Short-service serious ill -health grant**

79.—(1) This regulation applies to a person (P) if—

- (a) P was in pensionable employment for at least 12 months,
- (b) P is not qualified for retirement benefits or qualified for retirement benefits following further employment,
- (c) P ceases to be in pensionable employment because P satisfies the incapacity condition,
- (d) P's application under regulation 107 (payment of benefits on application to Secretary of State) is made within 6 months after the date on which P's pensionable employment ceases, and
- (e) P has a life expectancy of less than a year.

- (2) A short-service serious ill-health grant is payable to a person to whom this regulation applies.
- (3) But no grant may be paid to a person who is 75 or over.
- (4) The amount of the grant is P's average salary/12 x P's reckonable service (in years and fractions of a year).
- (5) For the purpose of this regulation, a person satisfies the incapacity condition if the person is incapacitated and is likely to be incapacitated permanently.

### **Admitted service benefits**

- 80.**—(1) This regulation applies to a person who falls within paragraph (2) or paragraph (3).
- (2) A person falls within this paragraph if—
    - (a) the person has admitted service of any amount, and
    - (b) the person is qualified for retirement benefits.
  - (3) A person falls within this paragraph if—
    - (a) the person has admitted service of at least 5 years, but
    - (b) the person is not qualified for retirement benefits.
  - (4) An admitted service pension is payable to a person to whom this regulation applies (P) from the entitlement day.
  - (5) Except as otherwise provided in these Regulations, the pension is payable for life.
  - (6) An admitted service lump sum is payable to P on the entitlement day.
  - (7) Paragraph (6) does not apply if P complies with paragraphs (3) and (4) of regulation 107 (payment of benefits on application to Secretary of State) after P reaches the age of 75.
  - (8) The entitlement day is—
    - (a) where P falls within paragraph (2), the day on which P's retirement pension becomes payable, and
    - (b) where P falls within paragraph (3), the day of P's 60th birthday or, if P is in pensionable employment on P's 60th birthday, the day after P ceases to be in pensionable employment.
  - (9) In these Regulations "admitted service" means service to which Part 8 of TSR 1967 applied immediately before 1st May 1975.

### **Annual rate of admitted service pension and amount of admitted service lump sum**

- 81.**—(1) This regulation applies for calculating the annual rate of the admitted service pension and the amount of the admitted service lump sum of a person to whom regulation 80 (admitted service benefits) applies (P).
- (2) The annual rate of P's admitted service pension is the sum of—
    - (a)  $1/80 \times S \times AS + X/5$ , and
    - (b) where an admitted service lump sum would, apart from regulation 80(7) be payable to P, such amount representing the value of that lump sum as the Secretary of State shall determine after taking advice from the scheme actuary.
  - (3) The amount of P's admitted service lump sum is  $1/30 \times S \times AS1 + 3/80 \times S \times AS2$ .
  - (4) The amounts calculated in accordance with paragraphs (2) and (3) must be multiplied by the appropriate factor for a person with NPA 60 reckonable service where—
    - (a) P falls within paragraph (2) of regulation 80 (admitted service benefits), and

(b) P's retirement pension is paid because Case D or E applies to P's NPA 60 reckonable service.

(5) In this regulation—

AS is the length of P's admitted service (in years and fractions of a year);

AS1 is the length of P's admitted service (in years and fractions of a year) before 1st April 1963;

AS2 is the length of P's admitted service (in years and fractions of a year) after 31st March 1963;

S is the average annual rate of P's salary during admitted service;

X is so much of  $\frac{1}{80} \times S \times AS$  as is attributable to admitted service before 1st April 1962.