

SCHEDULE 10

Regulation 135

Modified application in certain cases

PART 1

Employment at reduced salary

Application of Part 1 and interpretation

1.—(1) This Part applies to a person in respect of whom the requirements set out in regulation H1(1)(a) to (d) and (f) of TPR 1997 (modified application in case of employment at reduced salary) were satisfied.

(2) In this Part—

“new employment” means pensionable employment from the start of pensionable employment at the reduced rate of contributable salary mentioned in regulation H1(1)(a) of TPR 1997;

“previous employment” means pensionable employment up to the end of pensionable employment at the previous higher rate of contributable salary.

Calculation of benefits other than in service and out of service death grants

2.—(1) The benefits, except for death grants under regulations 83 (death grant: death in service) and 85 (death grant: death out of service), of a person to whom this Part applies are the better of—

- (a) the benefits calculated without taking into account the modifications made by sub-paragraphs (2) to (6), and
- (b) the benefits calculated after taking into account the modifications made by those sub-paragraphs.

(2) Except as provided in sub-paragraphs (3) to (6), these Regulations (except regulations 83 and 85) apply to a person to whom this Part applies as if the person had been one person in relation the previous employment and a separate person in relation to the new employment and accordingly apply separately in relation to each of those employments.

(3) For the purpose of Chapter 3 of Part 7 (qualification for retirement benefits), periods counting towards a qualifying period in relation to one of the employments count also in relation to the other.

(4) For the purpose of regulation 42(d) (reckonable service limited to 45 years), periods counting as reckonable service in relation to one of the employments count also in relation to the other; but any period excluded by regulation 42 is excluded in relation to the new employment only.

(5) A period for which P has, before the day of the new employment, elected to pay contributions under Schedule 4 to TPR 1997 is treated as being in the previous employment.

(6) Regulation 97(3) does not have effect so as to preclude the payment the payment of a child pension in respect of each of the employments.

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. (See end of Document for details) View outstanding changes

PART 2

Policy scheme service

Policy scheme service

3.—(1) If a person has policy scheme service, these Regulations (and Part 1 of Schedule 10 to TPR 1997 which continues to have effect by virtue of paragraph 25 of Schedule 13) have effect subject to the modifications made by this paragraph.

(2) For the purpose of determining whether the person is qualified for retirement benefits, the policy scheme service is to be treated as if it is pensionable employment beginning after 5th April 1988.

(3) For the purpose of calculating the person's reckonable service, policy scheme service counts as 0.9 times its actual length.

(4) For the purpose of paragraph 2 of Schedule 10 to TPR 1997 (which continues to have effect by virtue of paragraph 25 of Schedule 13), the person's policy scheme service is to be treated as service after the end of June 1948.

(5) Where Part 1 of Schedule 10 to TPR 1997 applies no reduction in the amount of the person's retirement pension is to be made under paragraph 5 or paragraph 6 of that Schedule.

(6) In these Regulations “policy scheme service” has the same meaning as in regulation 3(2) of the Teachers' Superannuation (Policy Schemes) Regulations 1979 ^{M1}.

Marginal Citations

M1 [S.I. 1979/47](#)

PART 3

Specified country service

Specified country service

4.—(1) If a person has specified country service, these Regulations have effect subject to the modifications made by this paragraph.

(2) The provisions mentioned in sub-paragraph (4) have effect as if references to the age of 60 and references to a normal pension age of 60 were replaced by references to the age obtained by deducting from 60 years a period of 3 months in respect of each complete year of up to 20 years of the person's specified country service and by references to a normal pension age of that age respectively.

(3) Sub-paragraph (2) does not apply in relation to the calculation of benefits in respect of further employment.

(4) The provisions are—

- (a) regulation 48 (“person with mixed service”: meaning and normal pension age);
- (b) regulation 49 (“pre-2007 entrant”: meaning and normal pension age);
- (c) regulation 50 (meaning of “NPA 60 reckonable service” and “NPA 65 reckonable service”);
- (d) regulation 68 (cessation and reinstatement of ill-health pension (application received before 6th January 2007));

- (e) regulation 69 (cessation of ill-health pension (application received on or after 6th January 2007));
 - (f) regulation 78 (short-service annuity);
 - (g) regulation 79 (short-service annuity: unauthorised payments)
- (5) For the purpose of calculating the person's reckonable service except for the purpose of—
- (a) benefits in respect of any period of further employment, and
 - (b) benefits under Part 9 (family benefits) specified country service counts as 1.5 times its actual length.

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 :

- Sch. 10 para. 2(6) words omitted by [S.I. 2014/2651 reg. 28](#)
- 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)