Qualifying for retirement benefits

82.—(1) A person (P) is qualified for retirement benefits under this scheme if—
   (a) P has at least 2 years’ qualifying service; or
   (b) a transfer payment otherwise than from another occupational pension scheme has been accepted in relation to P.

(2) In these Regulations, a period of qualifying service is the total of the following—
   (a) any period of pensionable service under this scheme (other than a period of post-benefit service);
   (b) for a transition member, any period of pensionable service under the existing scheme before the member’s transition date;
   (c) if a transfer payment has been accepted from another occupational pension scheme in relation to P, a period equal to P’s period of pensionable service under that scheme.

(3) Any pensionable service in respect of which a person’s rights under this scheme or the existing scheme are extinguished(1) is not qualifying service.

Re-qualifying for retirement benefits in respect of post-benefit service

83.—(1) A person (P) is re-qualified for retirement benefits under these Regulations if—
   (a) P has at least 12 months’ post-benefit qualifying service; or
   (b) a transfer payment otherwise than from another occupational pension scheme has been accepted in relation to P during P’s post-benefit service.

(2) In these Regulations, a period of post-benefit qualifying service is the total of the following—
   (a) any period of post-benefit service under this scheme;
   (b) for a transition member in respect of post-benefit service, any period of post-benefit service under the existing scheme before the member’s transition date;
   (c) if after P enters a period of post-benefit service a transfer payment has been accepted in respect of rights accrued under another occupational pension scheme, a period equal to the person’s period of pensionable service under that scheme.

(1) Regulation 189(4) provides for extinguishment of rights following the repayment of the member’s contributions. Regulation 203(6) provides for extinguishment of rights following a transfer value payment.
(3) For the purpose of these Regulations, P enters a period of “post-benefit service” when—
(a) P re-enters pensionable service—
   (i) on or after reaching normal pension age; and
   (ii) after a retirement pension (other than a phased retirement pension) or a short-service serious ill-health grant becomes payable; or
(b) P re-enters pensionable service—
   (i) before reaching normal pension age; and
   (ii) after a retirement pension (other than an ill-health pension or phased retirement pension) or a short-service serious ill-health grant becomes payable.

(4) For the purpose of these Regulations, P does not enter a period of “post-benefit service” if
P re-enters pensionable service—
(a) before reaching normal pension age; and
(b) after an ill-health pension or phased retirement pension becomes payable.

(5) Any period of service in respect of which P’s rights under this scheme or the existing scheme are extinguished is not included in a period of post-benefit service(2).

**Payment of retirement benefits for post-benefit service**

84. For the purpose of calculating benefits in respect of a period of post-benefit service, a person (P) is taken to enter pensionable service for the first time when P enters the period of post-benefit service.

**CHAPTER 2**

Age retirement

**Meaning of “entitlement day” (age retirement pension)**

85.—(1) The entitlement day for an age retirement pension is as follows.

(2) If a person (P) is qualified for retirement benefits, the entitlement day is the earliest of the following—
(a) if P is in pensionable service on the day on which P reaches normal pension age—
   (i) the day after P leaves all pensionable service; or
   (ii) the day on which P reaches 75; and
(b) if P is not in pensionable service on the day on which P reaches normal pension age, the day on which P reaches normal pension age.

(3) If P is re-qualified for retirement benefits, the entitlement day is the earliest of the following—
(a) if P is in pensionable service on the date of application, the day after P leaves all pensionable service; and
(b) if P has left all pensionable service on the date of application, such day as P specifies in the application, which must be no earlier than 6 weeks after the date of application; and
(c) the date of P’s 75th birthday.

(4) In this regulation, “date of application” means the day on which P applies for the payment of an age retirement pension.

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(2) Regulation 189(4) provides for extinguishment of rights following the repayment of the member’s contributions. Regulation 203(6) provides for extinguishment of rights following a transfer value payment.
Entitlement to age retirement pension

86.—(1) A member (P) is entitled to payment of an age retirement pension from the entitlement day if—

(a) P has reached normal pension age;
(b) P is qualified or re-qualified for retirement benefits;
(c) P has left all pensionable service; and
(d) P has applied under regulation 162 for the payment of an age retirement pension.

(2) An age retirement pension is payable for life.

Annual rate of age retirement pension

87.—(1) This regulation applies if an active member or a deferred member (P) becomes entitled to payment of an age retirement pension.

(2) The annual rate of age retirement pension payable to P is found by—

(a) taking the amount of full retirement earned pension specified in P’s pensioner member’s account;
(b) applying the actuarial adjustment (if any) specified in that account in relation to that amount;
(c) subtracting the conversion amount (if any) specified in that account in relation to that amount;
(d) adding the amount of full retirement additional pension (if any) specified in that account; and
(e) subtracting the conversion amount (if any) specified in that account in relation to that amount.

Arrears of pension payable to deferred member who becomes pensioner member after reaching normal pension age

88. A deferred member (P) who becomes a pensioner member after reaching normal pension age is entitled to be paid the total of the following—

(a) the amount found by multiplying the sum of the amount of full retirement earned pension and the amount of full retirement additional pension (if any) specified in P’s pensioner member’s account by the period (in years and fractions of a year) for which P was a deferred member after reaching normal pension age; and
(b) interest payable on that amount in accordance with regulation 178.

CHAPTER 3
Phased retirement

Interpretation of Chapter

89.—(1) In this Chapter—

“average annual rate”, in relation to pensionable earnings in a 6 month period, means the amount of pensionable earnings in that period multiplied by 2;
“increased annual rate”, in relation to pensionable earnings, has the meaning given in regulation 97(2);
“new employment” has the meaning given in regulation 91(2);
“new employment condition” has the meaning given in regulation 91;
“pensionable earnings”, for a person not in an eligible employment, means the amount which would be the person’s pensionable earnings if the employment were eligible employment;
“phased retirement application” means an application under regulation 162 for payment of a phased retirement pension;
“previous employment” has the meaning given in regulation 91(2);
“reduced annual rate”, in relation to pensionable earnings, means the annual rate of P’s pensionable earnings following the reduction referred to in regulation 90;
“reduced annual rate condition” has the meaning given in regulation 90.

(2) When calculating the reduced annual rate or increased annual rate of a person’s pensionable earnings, any standard increase which takes effect on or after the entitlement day must be ignored.

The reduced annual rate condition

90. A person (P) meets the reduced annual rate condition if—
(a) P is in one or more eligible employments;
(b) the terms of employment change and as a result there is a reduction in the annual rate of P’s pensionable earnings; and
(c) the reduced annual rate is not more than 80% of the average annual rate of P’s pensionable earnings for the 6 months of pensionable service immediately before the reduction.

The new employment condition

91.—(1) A person (P) meets the new employment condition if—
(a) P leaves all eligible employment;
(b) within 6 months after leaving all eligible employment, P enters a new employment; and
(c) on the day after the entitlement day referred to in regulation 92 the reduced annual rate of P’s pensionable earnings in the new employment does not exceed 80% of the average annual rate of P’s pensionable earnings for the last 6 months of the previous employment.

(2) In this regulation—
“a new employment” means—
(a) one or more new eligible employments;
(b) one or more employments with an employer mentioned in any paragraph in Parts 2 to 4 of Schedule 1, each of which is not an eligible employment, where—
(i) P’s normal duties in the employment include providing education or services ancillary to education (other than administrative services); and
(ii) if the employer is a function provider, P’s duties relate to functions or services in respect of which the function provider is accepted under paragraph 3 of Schedule 1; or
(c) one or more new eligible employments and one or more employments mentioned in paragraph (b); and
“previous employment” means one or more previous eligible employments.

(3) See the meaning of “standard increase” in Chapter 4 of Part 3.
Meaning of “entitlement day” (phased retirement pension)

92. The entitlement day for a phased retirement pension is—
(a) if a person (P) meets the reduced annual rate condition, the day on which the reduced
annual rate takes effect; or
(b) if P meets the new employment condition, the day on which P enters a new employment.

Entitlement to phased retirement pension

93.—(1) A person (P) is entitled to payment of a phased retirement earned pension from the
entitlement day if—
(a) P has reached normal minimum pension age but has not reached 75;
(b) P is qualified or re-qualified for retirement benefits;
(c) P meets the reduced annual rate condition or the new employment condition;
(d) P has made a phased retirement application; and
(e) P has not applied under regulation 162 for payment of any other retirement pension.

(2) P is entitled to payment of a phased retirement additional pension from the entitlement day
if P has applied under regulation 94 to receive an additional pension with the phased retirement
earned pension.

(3) Subject to regulation 97, a phased retirement pension is payable for life.

Phased retirement applications

94.—(1) For the purpose of regulation 93, a person (P) must make a phased retirement application
within 3 months after the entitlement day.

(2) The application must—
(a) be accompanied by a certificate from P’s current employer stating that P meets the reduced
annual rate condition or the new employment condition; and
(b) state whether P is applying to receive an additional pension with the phased retirement
earned pension.

(3) A certificate is not required in relation to the new employment condition if the scheme
manager is satisfied that P’s current employer has not received the necessary information about P’s
previous employment from P’s previous employer.

Phased retirement proportion

95.—(1) A phased retirement application must specify the proportion of accrued earned pension
for which payment is claimed (“phased retirement proportion”).

(2) The phased retirement proportion must not exceed 75%.

Annual rate of phased retirement pension

96. The annual rate of phased retirement pension payable to a member (P) is found by—
(a) taking the amount of phased retirement earned pension specified in P’s pensioner
member’s account;
(b) applying the standard reduction (if any) and the actuarial adjustment (if any) specified in
that account in relation to that amount;
(c) subtracting the conversion amount (if any) specified in that account in relation to that amount;
(d) if P has applied to receive an additional pension with the phased retirement earned pension, adding the amount of phased retirement additional pension specified in that account;
(e) applying the actuarial adjustment (if any) specified in that account in relation to that amount; and
(f) subtracting the conversion amount (if any) specified in that account in relation to that amount.

Cessation of phased retirement pension

97. A phased retirement pension ceases to be payable to a member (P) if—
(a) in the 12 months after the entitlement day, the annual rate of P’s pensionable earnings increases; and
(b) as a result, the annual amount of P’s pensionable earnings in that 12 month period is more than 80% of the average annual rate—
   (i) if P met the reduced annual rate condition, in the 6 months of pensionable service immediately before the reduced annual rate took effect; or
   (ii) if P met the new employment condition, in the last 6 months of the previous employment.

Subsequent phased retirement applications

98.—(1) A person (P) may make a subsequent phased retirement application if—
(a) a phased retirement pension ceases to be payable under regulation 97 but P once more meets the reduced annual rate condition or the new employment condition; or
(b) while P is receiving a phased retirement pension, the terms of P’s employment change or P enters a new employment and P once more meets the reduced annual rate condition or the new employment condition.

(2) P may not make a subsequent phased retirement application if—
(a) P has made 3 previous phased retirement applications; or
(b) P has not reached 60 and has made 2 previous phased retirement applications.

(3) If P makes a subsequent phased retirement application after a phased retirement pension ceases to be payable—
(a) the phased retirement proportion specified in that application must be the same as or greater than the phased retirement proportion specified in the original application;
(b) if P applied under regulation 94 to receive an additional pension as part of the original pension, P must apply under that regulation to receive an additional pension as part of the new phased retirement pension (“the new pension”); and
(c) if P received a lump sum under regulation 168 in place of part of the original pension (“original lump sum”—
   (i) P must apply under that regulation to receive a lump sum in place of part of the new pension (“new lump sum”);
   (ii) the amount of the new lump sum must be the same as or greater than the amount of the original lump sum; and
   (iii) the amount of lump sum payable is the amount of the new lump sum less the amount of the original lump sum.
(4) Any subsequent phased retirement application must be made in accordance with regulation 94.

(5) In this regulation—

“original application” means P’s application under regulation 162 for payment of the original pension;

“original pension” means a phased retirement pension that ceases to be payable under regulation 97;

“previous phased retirement application” includes the original application.

CHAPTER 4

Premature retirement

Interpretation of “pensionable service”

99. For the purpose of this Chapter, a person in respect of whom an election under regulation 26 has effect is not treated as being in pensionable service.

Meaning of “entitlement day” (premature retirement pension)

100. The entitlement day for a premature retirement pension is the day after a person leaves all eligible employment.

Entitlement to premature retirement pension

101. —(1) A person (P) is entitled to payment of a premature retirement pension from the entitlement day if—

(a) P has reached normal minimum pension age but has not reached normal pension age;

(b) P is qualified or re-qualified for retirement benefits;

(c) P’s pensionable service in relation to an employment is terminated by reason of P’s redundancy or in the interests of the efficient discharge of the functions of P’s employer;

(d) P’s employer gives written notice to the scheme manager stating that—

(i) P’s pensionable service was terminated by reason of P’s redundancy or in the interests of the efficient discharge of the employer’s functions; and

(ii) the employer agrees that a premature retirement pension should become payable to P;

(e) P receives no compensation under Part 3 of the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997(4) as a result of P’s pensionable service being terminated;

(f) P has left all eligible employment;

(g) P has applied under regulation 162 for payment of a premature retirement pension; and

(h) P has not applied under that regulation for payment of any other retirement pension.

(2) P is not entitled to payment of a premature retirement pension in respect of any pensionable service after P reaches normal pension age.

(3) If the employer is not the local authority, the local authority must give the notice under subparagraph (1)(d) if—

(a) P’s pensionable service was in relation to an employment that falls within category A (as defined by regulation 3(7)(a) of the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997); and

(b) the governing body of the school or institution mentioned in that provision asks the local authority to do so.

(4) A premature retirement pension is payable for life.

Annual rate of premature retirement pension

102. The annual rate of premature retirement 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) applying the standard reduction (if any) and the actuarial adjustment (if any) specified in that account in relation to that amount;

(c) subtracting the conversion amount (if any) specified in that account in relation to that amount;

(d) adding the amount of full retirement additional pension (if any) specified in that account;

(e) applying the actuarial adjustment (if any) specified in that account in relation to that amount; and

(f) subtracting the conversion amount (if any) specified in that account in relation to that amount.

CHAPTER 5
Early retirement

Meaning of “entitlement day” (early retirement pension)

103.—(1) The entitlement day for an early retirement pension is as follows.

(2) If a person (P) is not in eligible employment when P applies under regulation 162 for payment of the pension, the entitlement day is a day specified in P’s application which is at least 6 weeks after the day on which the application is made.

(3) If P is in eligible employment when P applies under regulation 162 for payment of the pension and P’s employer agrees that an early retirement pension should become payable to P, the entitlement day is the day after P leaves all eligible employment.

(4) If P is in eligible employment when P applies under regulation 162 for payment of the pension and P’s employer does not agree that an early retirement pension should become payable to P—

(a) if P continues in eligible employment for at least 6 months after the date on which P asks P’s employer to agree, the entitlement day is the day after P leaves all eligible employment;

(b) if P leaves all eligible employment before the end of 6 months after the date on which P asks P’s employer to agree, the entitlement day is a day specified in P’s application which is at least 6 weeks after the day on which the application is made.

(5) Despite sub-paragraphs (2) to (4), the entitlement day must not be before the day on which P—

(a) reaches normal minimum pension age; or

(b) leaves all eligible employment.

Entitlement to early retirement pension

104.—(1) A person (P) is entitled to payment of an early retirement pension from the entitlement day if—

(a) P has reached normal minimum pension age but has not reached normal pension age;

(b) P is qualified or re-qualified for retirement benefits;
(c) P has left all eligible employment;
(d) P has applied under regulation 162 for the payment of an early retirement pension; and
(e) P has not applied under that regulation for payment of any other retirement pension.

(2) P is not entitled to payment of an early retirement pension in respect of any pensionable service after P reaches normal pension age.

(3) An early retirement pension is payable for life.

**Annual rate of early retirement pension**

105. The annual rate of the early retirement 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) applying the standard reduction (if any) and the actuarial adjustment (if any) specified in that account in relation to that amount;
(c) subtracting the conversion amount (if any) specified in that account in relation to that amount;
(d) adding the amount of full retirement additional pension (if any) specified in that account;
(e) applying the actuarial adjustment (if any) specified in that account in relation to that amount; and
(f) subtracting the conversion amount (if any) specified in that account in relation to that amount.

**CHAPTER 6**

**Ill-health retirement**

**SECTION 1**

**General**

**Interpretation**

106. In this Chapter—

“ill-health application” means an application under regulation 162 for payment of—

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

“stepped down employment” has the meaning given in regulation 117.

**Incapacity definitions**

107. 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

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(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

108.—(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 whether P is entitled to the payment of an ill-health pension and, if applicable, 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.

SECTION 2

Ill-health pension

Entitlement day for ill-health pension

109. The entitlement day for an ill-health pension is the latest of the following—
(a) the day that falls 6 months before the date of a medical report following consideration of which the scheme manager is satisfied that a person (P) meets the incapacity condition or, if applicable, the total incapacity condition;
(b) the day specified in that medical report as the day on which P first met the incapacity condition or, if applicable, the total incapacity condition;
(c) the day after P leaves all eligible employment;
(d) the date of any previous medical report following consideration of which the scheme manager is not satisfied that P meets the incapacity condition or, if applicable, the total incapacity condition.

Entitlement to ill-health pension

110.—(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 162 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—
(i) if paragraph (2) applies, that P meets the incapacity condition and the total incapacity condition; or
(ii) if paragraph (3) applies, that 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 114, an ill-health pension is payable for life.

No entitlement to ill-health pension

111.—(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) a direction under section 142 of EA 2002 given on a ground mentioned in subsection (4)
      (a), (b) or (c) of that section has effect in respect of P,
   (b) the Secretary of State is considering giving such a direction in respect of P,
   (c) P is included, or is being considered for inclusion, in any of the lists mentioned in
      paragraph (4), or
   (d) the General Teaching Council for Wales or the Secretary of State has made, or the
      General Teaching Council for Wales or the Secretary of State makes, or is considering
      making, a prohibition order in relation to P on the grounds of unacceptable professional
      conduct or that P has been convicted of a relevant offence.

(3) But paragraph (2) does not apply if the Secretary of State determines that the only reason
    for the direction or the direction being considered, for including, or considering including, P in any
    of the lists; or for making, or considering making, a prohibition order is unrelated to P’s culpable
    behaviour.

(4) The lists are—
   (a) the children’s barred list (established under section 2(1)(a) of SVGA 2006);
   (b) a list maintained under the law of Scotland or Northern Ireland which the Secretary of State
       specifies by order under section 3(2)(b) of SVGA 2006 as corresponding to the children’s
       barred list;
   (c) the adults’ barred list (established under section 2(1)(b) of SVGA 2006);
   (d) a list maintained under the law of Scotland or Northern Ireland which the Secretary of State
       specifies by order under section 3(3)(b) of SVGA 2006 as corresponding to the adults’
       barred list.

(5) In this regulation—
    “prohibition order”, “relevant offence” and “unacceptable professional conduct” have the same
    meanings as in Schedule 2 to the Teaching and Higher Education Act 1998(6); and

(5) The General Teaching Council for Wales was established pursuant to section 8 of the Teaching and Higher Education Act 1998
    c.30 and S.I. 1998/2940.
(6) 1998 c.30.

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

112.—(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 114 or 118 is taken not to become payable before D’s death.

**Annual rate of ill-health pension**

113. 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 conversion amount (if any) specified in that account in relation to the sum of those amounts.

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

114. An ill-health pension ceases to be payable to a person (P), unless P has reached normal pension age, on the earlier of the following dates—

(a) the date on which P re-enters eligible employment;

(b) the date on which P engages in any work as a teacher which is not an eligible employment.

**SECTION 3**

**Total incapacity pension**

**Meaning of “entitlement day” (total incapacity pension)**

115. The entitlement day for a total incapacity pension payable with an ill-health pension is the same as the entitlement day for the ill-health pension.

**Entitlement to total incapacity pension**

116.—(1) A total incapacity pension is payable to a person (P) from the entitlement day if—

(a) P is entitled to an ill-health pension because the scheme manager is satisfied that P meets the incapacity condition;

P has applied under regulation 162 for payment of an ill-health pension and a total incapacity pension; and

(b) the scheme manager is satisfied after consideration of a medical report that P meets the total incapacity condition.
(2) For a person in stepped down employment, the scheme manager must be satisfied that P’s total incapacity is wholly or partly related to the ill-health which led to the change in the terms of employment.

(3) A total incapacity pension is not payable to P if—
   (a) P left an eligible employment for a reason other than because P was incapacitated; or
   (b) P made the ill-health application—
       (i) after leaving all eligible employment; and
       (ii) more than 2 years after the last day of pensionable service.

(4) Except as provided in regulation 118, the total incapacity pension is payable for life.

Annual rate of total incapacity pension

117.—(1) The annual rate of total incapacity pension payable to a person (P) is—

\[
\frac{PS \times AR}{2 \times 57}
\]

where—

\(AR\) means P’s annual rate of pensionable earnings—
- (i) as at the last day of pensionable service; or
- (ii) if P applies for a total incapacity pension while P is in stepped down employment, as at the day before P’s annual rate of pensionable earnings was first reduced under paragraph (2);

\(PS\) means P’s prospective service (in years and fractions of a year);

“P’s prospective service” means the period beginning with the day after the entitlement day and ending on the day on which P would have reached prospective normal pension age.

(2) P is in stepped down employment if—
   (a) P is in an eligible employment;
   (b) the terms of that employment are changed wholly or partly because of P’s ill-health; and
   (c) as a result of the changed terms of employment, P’s annual rate of pensionable earnings is reduced.

(3) For the purpose of paragraph (b) of the definition of \(AR\), P’s annual rate of pensionable earnings is increased by the amount (if any) by which it would have been increased if it had been an official pension within the meaning of section 5(1) of PIA 1971—
   (a) beginning, and first qualifying for increases under that Act, on the day after the day on which P’s annual rate of pensionable earnings is reduced; and
   (b) ending on the day on which the scheme manager receives P’s application for the total incapacity pension.

Cessation of total incapacity pension

118.—(1) A total incapacity pension ceases to be payable to a person (P) on the date on which P’s ability to carry out any work ceases to be impaired by more than 90%, unless P has reached normal pension age before that date.

(2) For the purpose of paragraph (1), P’s ability to carry out any work ceases to be impaired by more than 90% on the earliest of the following dates—
(a) the date of a medical report requested by the scheme manager under regulation 175 which shows that P no longer meets the incapacity condition or, if applicable, the total incapacity condition;
(b) the date on which P re-enters eligible employment;
(c) the date on which P engages in any work as a teacher which is not an eligible employment;
(d) the date on which P engages in any other form of work unless—
   (i) P provides the scheme manager with a certificate from a registered medical practitioner stating that, in the opinion of the practitioner, P continues to meet the total incapacity condition despite engaging in such work, and
   (ii) the scheme manager is satisfied that P continues to meet that condition despite engaging in such work.

CHAPTER 7
Short-service serious ill-health grant

Application for payment of grant
119.—(1) An application made by a person (P) under regulation 162 for payment of a short-service serious ill-health grant—
   (a) must be accompanied by all the medical evidence necessary for the scheme manager to determine that P is entitled to the payment; and
   (b) must be signed by P’s employer.
(2) The medical evidence must include a medical report containing evidence that P—
   (a) meets the incapacity condition; and
   (b) has a life expectancy of less than a year.

Meaning of “entitlement day” (short-service serious ill-health grant)
120. The entitlement day for a short-service serious ill-health grant is the day after a person (P) leaves all eligible employment because P is incapacitated.

Entitlement to short-service serious ill-health grant
121.—(1) A person (P) is entitled to payment of a short-service serious ill-health grant on the entitlement day if—
   (a) P was in pensionable service (other than post-benefit service) for at least 12 months;
   (b) P has left all eligible employment because P is incapacitated;
   (c) P is not qualified for retirement benefits;
   (d) P has not reached 75;
   (e) within 6 months of leaving all pensionable service P has applied under regulation 162 for payment of the grant; and
   (f) the scheme manager is satisfied after consideration of a medical report that—
      (i) P meets the incapacity condition; and
      (ii) P has a life expectancy of less than a year.
(2) This regulation does not apply if P is in a period of post-benefit service immediately before the entitlement day.
Amount of grant

122.—(1) The amount of a short-service serious ill-health grant is the greater of—
(a) 1/6th of the member’s annual rate of pensionable earnings as at the last day of pensionable service; and
(b) the total of the amounts specified in paragraph (2).

(2) The amounts are—
(a) all members’ contributions, additional pension contributions, buy-out contributions and faster accrual contributions paid up to the date of receipt of the application under regulation 119, except any paid in respect of a period of pensionable service for which a short-service serious ill-health grant has been paid; and
(b) interest on those contributions from the first day of the financial year following that in which they were paid to the date of payment at 3% per year, compounded with yearly rests.

CHAPTER 8
Short-service annuity for post-benefit service

Meaning of “entitlement day” (short-service annuity)

123. The entitlement day for a short-service annuity is the date specified in an application under regulation 162 for payment of the annuity, which must be no earlier than 6 weeks after the day on which the application is made.

Entitlement to short-service annuity

124.—(1) A person (P) is entitled to payment from the entitlement day of a short-service annuity in respect of post-benefit service if—
(a) P enters a period of post-benefit service;
(b) P is not re-qualified for retirement benefits in respect of that service;
(c) P leaves all eligible employment; and
(d) P has applied under regulation 162 for payment of the annuity.

(2) A short-service annuity is payable for life.

Annual rate of short-service annuity

125. The annual rate of a short-service annuity is the actuarial equivalent of the sum of—
(a) all of the members’ contributions, faster accrual contributions (if any) and additional pension contributions (if any) in respect of a period of post-benefit service paid up to the date of receipt of the application under regulation 162; and
(b) interest to the date of payment at 3% per year, compounded with yearly rests on those contributions from the first day of the financial year following that in which they were paid.