
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the following sets of Regulations which extend to England and Wales—

- The Teachers’ Superannuation (Additional Voluntary Contributions) Regulations 1994 (“the AVC Regulations 1994”);
- The Teachers’ Pensions Regulations 2010 (“the Pensions Regulations 2010”);
- The Teachers’ Pension Scheme Regulations 2014 (“the Pensions Regulations 2014”); and
- The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015 (“the Compensation Regulations 2015”).

Certain provisions have effect from a date before these Regulations commence. Section 12(1) of the Superannuation Act 1972 and section 3(3)(b) of the Public Service Pensions Act 2013 provide authority for the provisions to take effect as from a date earlier than the making of these Regulations.

Part 2 amends the AVC Regulations 1994 to make changes consequential to amendments to other Regulations relating to surviving partners. It also makes minor drafting corrections in relation to small pot payments and ill-health benefit entitlement.

Part 3 amends the Pensions Regulations 2010 to remove a requirement to complete a nomination form in order for a cohabiting partner of a member to receive survivor benefits; to equalise survivor benefits payable to surviving civil partners and same sex spouses with those payable to widows; to provide that medical evidence to support a claim of incapacity to work must be produced no more than 18 months before the claim is made; to align pension protection lump sum death grants with tax legislation; to permit eligible organisers of the Jewish Schools Network to become members of the scheme; and to make a minor drafting correction.

Part 4 amends the Pensions Regulations 2014 to make amendments to parallel those made by Part 3 to the Pensions Regulations 2010 relating to nomination of cohabiting partners and survivor benefits payable to surviving civil partners and same sex spouses. It additionally provides clarification that members who take 2010 scheme benefits and then join the 2014 scheme should be treated as re-employed members.

Part 5 makes minor drafting corrections to the Compensation Regulations 2015.

Part 6 makes provision to ensure that the amendments to the Pensions Regulations 2010 relating to nomination of cohabiting partners and survivor benefits payable to surviving civil partners and same sex spouses apply in cases where benefits are payable pursuant to the Teachers’ Pensions Regulations 1997.

An impact assessment has not been produced for this instrument as it has no impact on business or civil society organisations. The instrument has a minimal impact on the public sector.