
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 310

The Teachers' Pension Scheme
Regulations (Northern Ireland) 2014

PART 5

Retirement Benefits for Teachers

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” 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
 - (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 Department to determine that 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 Department is satisfied that a person (P) meets the incapacity condition or, if applicable, the total incapacity condition;
 - (b) the day specified in the 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 Department 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 Department 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) P is included, or is being considered for inclusion, in any of the lists mentioned in paragraph (3), or
 - (b) the General Teaching Council for Northern Ireland ^{M1} or the Department has prohibited, or is considering prohibiting P from teaching on the grounds of misconduct or that P has been convicted of a relevant offence.
- (3) The lists are—
- (a) the children's barred list (established under Article 6(1)(a) of the 2007 Order);
 - (b) a list maintained under the law of England and Wales or Scotland which the Department specifies by order under Article 6(2)(b) of the 2007 Order as corresponding to the children's barred list;
 - (c) the adults' barred list (established under Article 6(1)(b) of the 2007 Order);
 - (d) a list maintained under the law of England and Wales or Scotland which the Department specifies by order under Article 6(3)(b) of the 2007 Order as corresponding to the adults' barred list.
- (4) In this regulation—
- “relevant offence” in relation to a teacher means—
- (a) in the case of a conviction in the United Kingdom, a criminal offence other than one having no material relevance to their fitness to be a teacher;
 - (b) in the case of a conviction elsewhere, an offence which if committed in the United Kingdom would constitute such an offence mentioned in sub-paragraph (a);
- “the 2007 Order” means the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ^{M2}.

Marginal Citations

- M1** The General Teaching Council for Northern Ireland was established pursuant to Article 34 of the Education (Northern Ireland) Order 1998/1759 (N.I. 13).
- M2** SI 2007/1351 (N.I. 11).

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 commutation 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 date on which P re-enters 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 Department is satisfied that P meets the incapacity condition;
 - (b) P has applied under regulation 162 for payment of an ill-health pension and a total incapacity pension; and
 - (c) the Department is satisfied after consideration of a medical report that P meets the total incapacity condition.
- (2) For a person in stepped down employment, the Department 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—

$$\frac{PS}{2} \times \frac{AR}{57}$$

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 (ii) 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 the Pensions (Increase) Act (Northern Ireland) 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 Department 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 Department 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 other form of work unless—
 - (i) P provides the Department 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 Department is satisfied that P continues to meet that condition despite engaging in such work.

Changes to legislation:

There are currently no known outstanding effects for the The Teachers' Pension Scheme Regulations (Northern Ireland) 2014, CHAPTER 6.