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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 292**

**The Teachers' Pension Scheme  
(Scotland) (No. 2) Regulations 2014**

**PART 3**

**Scheme membership**

**CHAPTER 2**

**Membership**

**Eligibility for active membership**

- 18.**—(1) A person (P) is eligible to be an active member of this scheme if—
- (a) P is in an eligible employment; and
  - (b) P has reached the age of 16 and has not reached the age of 75.
- (2) P is not eligible to be an active member of this scheme if—
- (a) P is employed in an accepted school in which P has a financial interest;
  - (b) P is a full protection member of the existing scheme;
  - (c) P is a tapered protection member of the existing scheme; or
  - (d) but for an election made under regulation B7 of the 2005 Regulations, P would fall within sub-paragraph (b) or (c).
- (3) In this regulation—
- “financial interest” does not include the right to receive a salary; and
  - “accepted school” has the meaning given in paragraph 2 of Schedule 1.

**More than one employment**

- 19.** A person may be an active member of this scheme in relation to more than one employment.

**Dual capacity membership**

- 20.** A person is a dual capacity member of this scheme if the person is a member in 2 or more of the following capacities—
- (a) an active member;
  - (b) a deferred member;
  - (c) a pensioner member.
- (2) In determining whether a person who is an active member is also a pensioner member, the fact that the person is an active member and the person's rights in that capacity are to be disregarded.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) In determining whether a person who is an active member or a pensioner member is also a deferred member, the fact that the person is an active member or a pensioner member and the person's rights in that capacity are to be disregarded.

**Payment of retirement benefits to dual capacity members**

**21.** Retirement benefits under this scheme are payable to a dual capacity member as if the member were 2 or more members and the amounts payable are determined accordingly<sup>(1)</sup>.

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<sup>(1)</sup> The result is that 2 or more pensions or lump sums may be payable in respect of the one member.