
STATUTORY INSTRUMENTS

1997 No. 3001

The Teachers' Pensions Regulations 1997

PART B

PENSIONABLE EMPLOYMENT

Employment not pensionable

B4.—(1) A person is not in pensionable employment unless he is—

- (a) 18 years old or older and under 70, and
- (b) entitled to be paid his salary in full, or on sick leave and entitled to be paid not less than half his salary, or on maternity leave and entitled to be paid any contractual remuneration or statutory maternity pay.

(2) A person who is entitled to be paid a teacher's pension including cases where the annual rate of pension has been reduced to zero in accordance with regulation E14 (abatement of retirement pension during further employment) is not in pensionable employment if he is in employment which—

- (a) commenced on or after 1st April 1997, or
- (b) is part-time employment.

(3) A person is not in pensionable employment while he is in an employment which immediately before 3rd February 1998 by virtue of regulation B5(2) of the 1988 regulations (exclusion from pensionable employment) was not pensionable employment.

(4) This paragraph applies to a person who—

- (a) immediately before 3rd February 1998 was in, or
- (b) not more than 12 months before that date had ceased to hold,

an employment which by virtue of regulation B5(4) of the 1988 Regulations was not pensionable employment.

(5) Subject to paragraph (6), a person to whom paragraph (4) applies is not in pensionable employment while he is in an employment which would not have been pensionable employment if—

- (a) regulation B5(4) of the 1988 Regulations had continued in force, and
- (b) he had made no election under regulation B5(5) of those Regulations.

(6) Within 3 months after the start of an employment to which paragraph (4) applies the person may, by giving written notice to the Secretary of State and to the appropriate administering authority within the meaning of the Local Government Pension Scheme Regulations 1995 or, when they are in force, the Local Government Pension Scheme Regulations 1997, elect that paragraph (5) is to cease to apply.