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## STATUTORY INSTRUMENTS

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# 2010 No. 990

## The Teachers' Pensions Regulations 2010

### PART 2

#### Pensionable employment

##### Accepted schools

- 13.**—(1) An establishment is an accepted school if—
- (a) immediately before 1st September 2010 it was an accepted school under regulation B3 of TPR 1997, or
  - (b) the Secretary of State accepts it for the purpose of this regulation by giving its proprietor a written notice specifying the date on which it becomes an accepted school.
- (2) An establishment may be accepted only if—
- (a) it is an establishment mentioned in paragraph (3),
  - (b) its proprietor makes a written application to the Secretary of State, and
  - (c) a guarantee is provided to the Secretary of State.
- (3) The establishments are—
- (a) an independent school (in England) registered under section 99 of the Education and Skills Act 2008 <sup>M1</sup> or (in Wales) registered under section 161 of EA 2002;
  - (b) an establishment providing further education constituted by an amalgamation of establishments which provided such education of which at least one was an accepted school;
  - (c) a school which is a member of COBISEC and is located in a member State other than the United Kingdom;
  - (d) the establishment which, when teachers were employed there for the purpose of the Ministry of Defence, was known as Welbeck, the Defence Sixth Form College.
- (4) An establishment, if accepted by the Secretary of State, becomes an accepted school from the date agreed between the Secretary of State and its proprietor, which must be the first day of a month after that in which the application under paragraph (2)(b) is made, or, if the establishment is one mentioned in paragraph (3)(b), either the first day of such a month or the date of the amalgamation referred to in that sub-paragraph.
- (5) An establishment accepted by the Secretary of State ceases to be an accepted school from the date specified in a written notice given to its proprietor by the Secretary of State.
- (6) A notice under paragraph (5) may be given if—
- (a) the proprietor of the establishment makes a written application to the Secretary of State,
  - (b) the proprietor fails to comply with any provision of these Regulations or of TSAVCR 1994,
  - (c) the establishment ceases to be an establishment mentioned in paragraph (3),

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- (d) where a guarantee was previously provided to the Secretary of State, either the guarantee lapses, or because of a change in circumstances, the Secretary of State considers that the guarantee is insufficient,
  - (e) where the proprietor of the establishment is an individual or a number of individuals, that individual or one of those individuals is an undischarged bankrupt or is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to IA 1986 <sup>M2</sup>, or
  - (f) where the proprietor of the establishment is a company—
    - (i) a proposal for a voluntary arrangement has been made or approved in relation to the company under Part 1 of IA 1986,
    - (ii) an administration application has been made or a notice of intention to appoint an administrator has been filed with the court or an administrator has been appointed for the company under Schedule B1 to IA 1986 <sup>M3</sup>,
    - (iii) a receiver, manager or administrative receiver has been appointed for the company under Part 3 of IA 1986,
    - (iv) a winding-up petition has been presented, a winding-up order has been made or a resolution for voluntary winding-up has been passed in relation to the company under Part 4 or 5 of IA 1986, or
    - (v) notice has been received that the company may be struck off the register of companies or an application to strike it off has been made under Part 31 of CA 2006.
- (7) The proprietor of an accepted school must immediately give written notice to the Secretary of State of any change in proprietor or upon the occurrence of any of the events mentioned in paragraph (6)(e) or (f).
- (8) In this regulation “guarantee” means a bond, guarantee or indemnity in a form and amount, and provided by a person, approved by the Secretary of State in respect of sums due, under these Regulations and TSAVCR 1994, from the proprietor and from any other person by whom teachers are employed at the establishment.

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**Marginal Citations**

**M1** [2008 c.25](#)

**M2** [Schedule 4A](#) was inserted by the [Enterprise Act 2002 \(c.40\)](#), [Schedule 20](#).

**M3** [Schedule B1](#) was inserted by the [Enterprise Act 2002](#), [Schedule 16](#).

### Changes to legislation:

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### Changes and effects yet to be applied to :

- Regulations restricted by [S.I. 2023/871 reg. 30](#)
- reg. 13(2) words inserted by [S.I. 2021/805 reg. 6\(2\)\(a\)](#)
- reg. 13(2)(c) words inserted by [S.I. 2021/805 reg. 6\(2\)\(b\)](#)
- reg. 13(3)(c) omitted by [S.I. 2019/502 reg. 2\(2\)](#)
- reg. 13(3)(c) word substituted by [S.I. 2014/2651 reg. 3\(1\)\(a\)](#)
- reg. 13(4) words inserted by [S.I. 2021/805 reg. 6\(3\)](#)
- reg. 13(5) words inserted by [S.I. 2021/805 reg. 6\(4\)\(a\)](#)
- reg. 13(5) words inserted by [S.I. 2021/805 reg. 6\(4\)\(b\)](#)
- reg. 13(6) word omitted by [S.I. 2014/2651 reg. 4\(a\)](#)
- reg. 13(6)(a) word inserted by [S.I. 2014/2651 reg. 4\(b\)](#)
- reg. 13(6)(b) word inserted by [S.I. 2014/2651 reg. 4\(b\)](#)
- reg. 13(6)(c) word inserted by [S.I. 2014/2651 reg. 4\(b\)](#)
- reg. 13(6)(d) word inserted by [S.I. 2021/805 reg. 6\(5\)\(a\)](#)
- reg. 13(6)(d) words inserted by [S.I. 2021/805 reg. 6\(5\)\(b\)](#)
- reg. 13(6)(e) word inserted by [S.I. 2021/805 reg. 6\(5\)\(a\)](#)
- reg. 13(6)(f) word inserted by [S.I. 2021/805 reg. 6\(5\)\(a\)](#)
- reg. 13(8) words substituted by [S.I. 2021/805 reg. 6\(7\)](#)

### Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 2(aa) inserted by [S.I. 2012/979 Sch. para. 28\(2\)\(b\)](#)
- Sch. 2 para. 2(ab) inserted by [S.I. 2014/2651 reg. 22\(a\)](#)
- Sch. 2 para. 26 inserted by [S.I. 2014/2651 reg. 22\(b\)](#)
- Sch. 2 Pt. 1 para. 14A inserted by [S.I. 2014/424 reg. 7](#)
- Sch. 2 para. 22(m) inserted by [S.I. 2019/1134 reg. 14](#)
- Sch. 2 para. 3A inserted by [S.I. 2021/805 reg. 10\(b\)](#)
- Sch. 2 para. 2(ab) inserted by [S.I. 2014/2651, reg. 22\(a\) \(as substituted\) by S.I. 2021/805 reg. 2\(2\)](#)
- Sch. 2 para. 26 inserted by [S.I. 2014/2651, reg. 22\(b\) \(as substituted\) by S.I. 2021/805 reg. 2\(2\)](#)
- Sch. 2 Pt. 1 para. 6(a) substituted by [S.I. 2019/1027 reg. 33](#)
- Sch. 3 para. 2(2)-(7) and table substituted for Sch. 3 para. 2(2) by [S.I. 2014/2651 reg. 23\(a\)](#)
- Sch. 5 para. 5(aa) inserted by [S.I. 2019/1134 reg. 16\(1\)\(c\)\(i\)](#)
- Sch. 5 para. 7(1A) inserted by [S.I. 2019/1134 reg. 16\(1\)\(d\)\(ii\)](#)
- Sch. 5 para. 9(ba) inserted by [S.I. 2019/1134 reg. 16\(1\)\(e\)\(i\)](#)
- Sch. 6 Pt. 1 para. 10A inserted by [S.I. 2011/614 Sch. 2 para. 13\(3\)](#)
- Sch. 7 para. 4(2A) inserted by [S.I. 2017/1084 reg. 7\(b\)](#)
- Sch. 7 para. 12(3A) inserted by [S.I. 2017/1084 reg. 7\(c\)](#)
- Sch. 7 para. 6(1A) inserted by [S.I. 2019/1134 reg. 17\(b\)](#)
- Sch. 8 para. 1(2)(h)(ia)(ib) inserted by [S.I. 2019/1458 Sch. 3 para. 115\(3\)\(a\)\(iii\)](#)
- Sch. 8 para. 1(1)(e) substituted by [S.I. 2021/805 reg. 13\(2\)](#)
- Sch. 8 para. 1(1)(b)(ba) substituted for Sch. 8 para. 1(1)(b) by [S.I. 2019/1458 Sch. 3 para. 115\(3\)\(a\)\(ii\)](#)
- Sch. 13 para. 88A substituted for Sch. 13 para. 8 by [S.I. 2014/2651 reg. 29\(a\)](#)
- reg. 2A2B inserted by [S.I. 2014/560 Sch. 3 para. 17](#)

- reg. 2A omitted by S.I. 2019/1134 reg. 6
- reg. 2A(1) words substituted by S.I. 2014/3061 Sch. 1 para. 11(2)
- reg. 2B omitted by S.I. 2019/1134 reg. 6
- reg. 2C inserted by S.I. 2014/3061 Sch. 1 para. 11(2)(4)
- reg. 6(1A) inserted by S.I. 2012/2270 reg. 3(a)
- reg. 6(2A) inserted by S.I. 2012/2270 reg. 3(b)
- reg. 6(3A) inserted by S.I. 2012/2270 reg. 3(c)
- reg. 9(4)(c) and word inserted by S.I. 2014/424 reg. 4(b)
- reg. 13(7A) inserted by S.I. 2021/805 reg. 6(6)
- reg. 13A inserted by S.I. 2021/805 reg. 7
- reg. 14A-14H inserted by S.I. 2014/424 reg. 5
- reg. 14A(5) word substituted by S.I. 2014/2651 reg. 5
- reg. 14F(c) words omitted by S.I. 2014/2651 reg. 6(b)
- reg. 14F(c) words substituted by S.I. 2014/2651 reg. 6(a)
- reg. 17(3A) inserted by S.I. 2014/2651 reg. 8(b)
- reg. 17(12)(13) substituted for reg. 17(12) by S.I. 2014/2651 reg. 8(c)
- reg. 27(3) inserted by S.I. 2021/805 reg. 8
- reg. 30(1)(d) and word inserted by S.I. 2014/2651 reg. 9
- reg. 64-64D substituted for reg. 64 by S.I. 2014/2651 reg. 15
- reg. 64B modified by S.I. 2015/601 reg. 31(5)(a)
- reg. 83(3A) inserted by S.I. 2017/1084 reg. 5
- reg. 85(3A) inserted by S.I. 2017/1084 reg. 6
- reg. 87A inserted by S.I. 2019/1134 reg. 8
- reg. 129(2A) inserted by S.I. 2011/614 Sch. 2 para. 10(3)