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STATUTORY INSTRUMENTS

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**2010 No. 990**

**The Teachers' Pensions Regulations 2010**

**PART 7**

Benefits for teachers

CHAPTER 3

Meaning of “qualified for retirement benefits” and “qualified for retirement benefits following further employment”

**Meaning of “qualified for retirement benefits”**

**54.**—(1) A person (T) is “qualified for retirement benefits” for the purpose of these Regulations if T satisfies any of Conditions 1 to 6.

(2) But T is not “qualified for retirement benefits” if T has been in further employment.

(3) Condition 1 is that immediately before 1st September 2010 T was qualified for retirement benefits under regulation E3(1)(a) or (b) of TPR 1997.

(4) Condition 2 is that—

(a) (i) T was in pensionable employment on 6th April 1988 or paying contributions under regulation 30 of TSR 1976 on that date, or

(ii) T entered pensionable employment for the first time after 6th April 1988, and

(b) T has retirement benefits qualification service of at least 2 years.

(5) Condition 3 is that—

(a) (i) T was in pensionable employment on 6th April 1988 or paying contributions under regulation 30 of TSR 1976 on that date, or

(ii) T re-entered pensionable employment after 6th April 1988, having previously been in such employment, and

(b) (i) T has retirement benefits qualification service of at least 2 years attributable to a period of employment after 5th April 1988, or

(ii) the sum of T's retirement benefits qualification service attributable to a period of employment after 5th April 1988 and of the periods mentioned in Schedule 9 of TSR 1988 attributable to a period of T's employment before 6th April 1988 amounts to at least 5 years.

(6) For the purpose of Condition 3, any period of employment in respect of which the Secretary of State accepted a transfer value when T re-entered pensionable employment after 5th April 1988 is to be treated as taking place after that date.

(7) Paragraph (6) does not apply to—

(a) a period of comparable British service, or

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**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](#) editorial team to *The Teachers' Pensions Regulations 2010*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (b) a period of employment pensionable under the National Health Service Pension Scheme Regulations 1995<sup>M1</sup> in respect of which a transfer value was accepted in accordance with arrangements made for a person to whom Part 6 of Schedule 10 to TPR 1997 (which continues to have effect by virtue of paragraph 26 of Schedule 13) applies.
- (8) Condition 4 is that—
  - (a) T has a guaranteed minimum in relation to benefits under these Regulations, and
  - (b) the Secretary of State has not paid a contributions equivalent premium in respect of T.
- (9) Condition 5 is that the Secretary of State—
  - (a) paid a cash equivalent or a transfer value in respect of T to the pension scheme of the Commission of the European Communities, and
  - (b) has since accepted a transfer value from that scheme in respect of T.
- (10) Condition 6 is that the Secretary of State has accepted a transfer value in respect of T's rights under a personal pension scheme.

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**Marginal Citations**

**M1** [S.I. 1995/300](#)

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

- Regulations restricted by [S.I. 2023/871 reg. 30](#)

### **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)