

SCHEDULE 1

Regulations 3 and 14

Eligible employment

PART 1

General

CHAPTER 1

Interpretation

Interpretation

1. In this Schedule—

“CA 2006” means the Companies Act 2006 ^{M1};

“EA 1996” means the Education Act 1996 ^{M2};

“IA 1986” means the Insolvency Act 1986 ^{M3};

“NHS Act 2006” means the National Health Service Act 2006 ^{M4};

“NHSWA 2006” means the National Health Service (Wales) Act 2006 ^{M5};

“TPR 2010” means the Teachers' Pensions Regulations 2010 ^{M6};

“TSAVCR 1994” means the Teachers' Superannuation (Additional Voluntary Contributions) Regulations 1994 ^{M7};

“Academy” must be construed in accordance with section 579 of EA 1996;

“best value arrangement” means a contract or other arrangement made with a local authority for the provision of, or the making available of, services for the purposes of, or in connection with, the exercise of an education function of that local authority;

“COBIS” means the Council of British International Schools;

“education functions” must be construed in accordance with section 579 of EA 1996;

“European School” means an establishment satisfying article 2 of the European Communities (European Schools) Order 1972 ^{M8};

“function provider” means a body corporate other than a local authority which—

- (a) is specified in a direction under section 497A(4) of EA 1996,
- (b) is nominated under section 497A(4A) of EA 1996 or section 15 of the Local Government Act 1999 ^{M9}, or
- (c) provides or makes available services under a best value arrangement;

“further education” has the meaning given in section 2(3) of EA 1996;

“guarantee” means—

- (a) in paragraph 2, a bond, guarantee or indemnity in a form and amount, and provided by a person, approved by the scheme manager 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;
- (b) in paragraph 3, a bond, guarantee or indemnity in a form and amount, and provided by a person, approved by the scheme manager in respect of sums due from the function provider under these Regulations and TSAVCR 1994;

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the The Teachers' Pension Scheme Regulations 2014, SCHEDULE 1. (See end of Document for details)

“higher education” has the meaning given in section 120(1) of the Education Reform Act 1988 ^{M10},

“non-profit-making body” means a body, the constitution of which—

- (a) requires any surplus income or gains to be invested,
- (b) prohibits the distribution of the assets of the body, in cash or kind, by way of dividend, bonus or otherwise by way of profit to any member of the body or to a third party (other than for charitable purposes), and
- (c) provides for any net assets on the dissolution of the body to be applied for charitable purposes or for the purposes for which the body existed before its dissolution;

“organiser” means a person who performs duties in connection with the provision of education or services ancillary to education other than administrative services;

“proprietor”, in relation to a school or other establishment, means the person or body of persons responsible for the management of the school or other establishment;

“special school” has the meaning given in section 337 of EA 1996; and

“supervisor” means a person employed in a capacity connected with education which to a substantial extent involves the control or supervision of teachers.

Marginal Citations

M1 2006 c.46.

M2 1996 c.56.

M3 1986 c.45.

M4 2006 c.41.

M5 2006 c.42.

M6 S.I. 2010/990; relevant amending instruments are S.I. 2011/614, S.I. 2012/673, S.I. 2012/979, S.I. 2012/2270, S.I. 2013/275 and S.I. 2014/424.

M7 S.I. 1994/2924; as amended by S.I. 1997/3001, S.I. 2000/666, S.I. 2000/3028, S.I. 2001/3649, S.I. 2005/2198, S.I. 2006/736, S.I. 2006/2214, S.I. 2006/3122, S.I. 2008/541, S.I. 2010/990 and S.I. 2011/614.

M8 S.I. 1972/1582.

M9 1999 c.27.

M10 1988 c.40.

Meaning of “accepted school”

2.—(1) An establishment is an accepted school if—

- (a) immediately before 1st April 2015 it was an accepted school under regulation 13 of TPR 2010; or
- (b) the scheme manager accepts it for the purpose of this paragraph 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 sub-paragraph (3);
- (b) its proprietor applies in writing to the scheme manager; and
- (c) a guarantee is provided to the scheme manager.

(3) The establishments are—

- (a) an independent school (in England) registered under section 99 of the Education and Skills Act 2008 ^{M11} or (in Wales) registered under section 161 of EA 2002;

- (b) an establishment providing further education constituted by an amalgamation of establishments—
 - (i) which provided further education before the amalgamation; and
 - (ii) of which at least one was an accepted school;
 - (c) a school which is a member of COBIS and is located in a member State ^{M12} 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) The date on which an establishment becomes an accepted school is a date agreed by the scheme manager and the proprietor as follows—
- (a) for an establishment mentioned in sub-paragraph (3)(a), (c) or (d), the first day of a month after the month in which the establishment applies to be an accepted school; or
 - (b) for an establishment mentioned in sub-paragraph (3)(b), the date of the amalgamation.
- (5) An establishment accepted by the scheme manager ceases to be an accepted school from the date specified in a written notice given to its proprietor by the scheme manager.
- (6) A notice under sub-paragraph (5) may be given if—
- (a) the proprietor of the establishment makes a written application to the scheme manager;
 - (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 sub-paragraph (3);
 - (d) where a guarantee was previously provided to the scheme manager, either the guarantee lapses, or because of a change in circumstances, the scheme manager 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 ^{M13}; 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 ^{M14};
 - (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 scheme manager if—
- (a) there is a change of proprietor; or
 - (b) any of the events mentioned in sub-paragraph (6)(e) or (f) occurs.

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the The Teachers' Pension Scheme Regulations 2014, SCHEDULE 1. (See end of Document for details)

Marginal Citations

M11 2008 c.25

M12 See Part 2 of Schedule 1 of the [European Communities Act 1972 \(c.68\)](#) for the meaning of “member State”.

M13 [Schedule 4A](#) was inserted by the [Enterprise Act 2002 \(c.40\)](#), [Schedule 20](#).

M14 Schedule B1 was inserted by the [Enterprise Act 2002 \(c.40\)](#), [Schedule 16](#).

Accepted function providers

3.—(1) A function provider is accepted under this paragraph in respect of a function or service if the scheme manager gives it a written notice specifying—

- (a) that function or service, and the local authority to which the function or service relates; and
- (b) the date on which it becomes accepted in respect of that function or service, which must be a date agreed between the scheme manager and the function provider.

(2) A function provider may be accepted only if—

- (a) it makes a written application to the scheme manager specifying the function or service in respect of which it wishes to be accepted; and
- (b) a guarantee is provided to the scheme manager.

(3) The functions or services in respect of which a function provider may be accepted are—

- (a) a function which it performs on behalf of a local authority in accordance with a direction under section 497A(4)^{M15} of EA 1996;
- (b) an education function of a local authority which it is nominated to exercise under section 497A(4A)^{M16} of EA 1996 or section 15(6) of the Local Government Act 1999^{M17};
- (c) a service which it provides or makes available under a best value arrangement for the purposes of, or in connection with, the exercise of an education function of a local authority.

(4) A function provider who immediately before 1st April 2015 was accepted under regulation 14 of TPR 2010 in respect of a function or service is treated as accepted under this paragraph in respect of that function or service.

(5) A function provider accepted under this paragraph ceases to be so accepted in respect of such functions and services, and from such date, as the scheme manager may specify in a written notice given to the function provider by the scheme manager.

(6) A notice under sub-paragraph (5) may be given if—

- (a) the function provider makes a written application to the scheme manager;
- (b) the function provider fails to comply with any provision of these Regulations or TSAVCR 1994;
- (c) where a guarantee was previously provided to the scheme manager, either the guarantee lapses or because of a change in circumstances the scheme manager considers that the guarantee is insufficient;
- (d) a proposal for a voluntary arrangement has been made or approved in relation to the function provider under Part 1 of IA 1986;
- (e) an administration application has been made, a notice of intention to appoint an administrator has been filed with the court or an administrator has been appointed for the function provider under Schedule B1 to IA 1986;

- (f) a receiver, manager or administrative receiver has been appointed for the function provider under Part 3 of IA 1986;
 - (g) 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 function provider under Part 4 or 5 of IA 1986; or
 - (h) notice has been received that the function provider 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) A function provider accepted under this paragraph must give written notice to the scheme manager immediately if any of the events mentioned in sub-paragraph (6)(d) to (h) occurs.

Marginal Citations

M15 Section 497A was inserted by the [School Standards and Framework Act 1998 \(c.31\)](#), [section 8](#).

M16 Subsection (4A) was inserted by the [Education Act 2002 \(c.32\)](#), [section 60](#).

M17 [1999 c.27](#).

CHAPTER 2

Fair Deal transfers

Interpretation

4. In this Chapter—

“contracting scheme employer” means an employer mentioned in paragraph 9(c) (governing body of a school maintained by a local authority), 10 (Academy) or 13 (special school not maintained by a local authority) who is a party to a Participation Agreement;

“Fair Deal transfer” means a TUPE transfer of employment described in a Participation Agreement;

“Fair Deal transfer date” means the date on which a Fair Deal transfer has effect;

“guarantee” means a bond, guarantee or indemnity in a form and amount, and provided by a person, approved by the scheme manager in respect of sums due from an accepted employer under these Regulations and TSAVCR 1994;

“Participation Agreement” means a contractual agreement between the scheme manager, a contracting scheme employer and an accepted employer relating to participation in this scheme; and

“transferred services” means services specified in the description of employment in the Participation Agreement.

Meaning of “accepted member”

5.—(1) A person (P) is an accepted member of this scheme if sub-paragraphs (2), (3) and (4) apply.

(2) Immediately before the Fair Deal transfer date P was employed—

- (a) under a contract of employment and subject to existing Fair Deal arrangements; or
- (b) by a contracting scheme employer to undertake eligible employment.

(3) Immediately before and on the Fair Deal transfer date P is employed to undertake the same employment described in a Participation Agreement.

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(4) After the Fair Deal transfer date P is employed to undertake employment described in that Participation Agreement.

(5) P ceases to be an accepted member from the date P ceases to satisfy sub-paragraph (1).

Meaning of “accepted employer”

6. An accepted employer in respect of transferred services is an employer other than an employer mentioned in section 1 of the Local Government Act 1999^{M18} who—

- (a) is a party to a contract for services with a contracting scheme employer under which at least one employee, on and after the fair deal transfer date, is an accepted member;
- (b) is a party to a Participation Agreement; and
- (c) is not the subject of a written notice of cessation as an accepted employer under paragraph 8(1).

Marginal Citations

M18 1999 c.27.

Obligations of an accepted employer

7. An accepted employer must—

- (a) provide the scheme manager with a guarantee if requested by the scheme manager;
- (b) give written notice to the scheme manager immediately if any of the events in paragraph 8(2)(c) to (g) occurs.

Ceasing to be an accepted employer

8.—(1) An employer (E) ceases to be an accepted employer on the date specified in a written notice given by the scheme employer under this paragraph.

(2) A notice may be given if—

- (a) E fails to comply with any provision of these Regulations or TSAVCR 1994;
- (b) the scheme manager considers that a guarantee provided under this Chapter is insufficient because—
 - (i) the guarantee lapses, or
 - (ii) there is a change in circumstances;
- (c) a proposal for a voluntary arrangement has been made or approved in relation to E under Part 1 of IA 1986;
- (d) an administration application has been made, a notice of intention to appoint an administrator has been filed with the court or an administrator has been appointed for E under Schedule B1 to IA 1986^{M19};
- (e) a receiver, manager or administrative receiver has been appointed for E under Part 3 of IA 1986;
- (f) 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 E under Part 4 or 5 of IA 1986; or
- (g) notice has been received that E may be struck off the register of companies or an application to strike it off has been made under Part 31 of CA 2006.

(3) The Secretary of State may by further written notice to E determine that E resumes accepted employer status with effect from a future date stated in the notice.

Marginal Citations

M19 Schedule B1 was inserted by the [Enterprise Act 2002 \(c.40\)](#), [Schedule 16](#).

PART 2

Service pensionable without election

9. Teacher employed by—
- (a) a local authority in connection with its education functions;
 - (b) a local authority in a school which the authority maintains;
 - (c) the governing body of a school maintained by a local authority; or
 - (d) an institution providing further or higher education (or both) maintained by a local authority.
10. Teacher employed—
- (a) in an Academy, city technology college or a city college for the technology of the arts by the proprietor of such an establishment;
 - (b) in a 16 to 19 Academy by the proprietor of the Academy;
 - (c) by a Multi-Academy Trust; or
 - (d) by the sponsor of a proposed Academy, and in this paragraph “sponsor of a proposed Academy” means any person who approaches the Secretary of State expressing an interest in establishing and maintaining an Academy with a view to creating a charitable company limited by guarantee and which company it is proposed will then enter into an Academy agreement as defined in section 1 of the Academies Act 2010 ^{M20}.

Marginal Citations

M20 [2010 c.32](#).

11. Teacher employed by the proprietor of, or anyone else concerned in the management of, an accepted school (other than a teacher employed at an accepted school which is a member of COBIS and is located in a member State other than the United Kingdom).

12. Teacher employed by a function provider in connection with the performance of a function or service in respect of which the function provider is accepted in accordance with paragraph 3 (accepted function providers).

13. Teacher employed by the proprietor of, or anyone else concerned in the management of, a special school that is not maintained by a local authority.

14. Teacher employed by the governing body (as defined in section 90 of the Further and Higher Education Act 1992 ^{M21}) of an institution—

- (a) which is within the further or the higher education sector (as defined in section 91 of that Act); and

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- (b) to which grants are made by the Secretary of State or the Welsh Ministers, a body to which grants are made by the Secretary of State or the Welsh Ministers, other than—
- (i) a university or a college of a university,
 - (ii) the Royal College of Art, and
 - (iii) the establishment which, when teachers were employed there for the purposes of the Ministry of Defence, was known as Welbeck, the Defence Sixth Form College.

Marginal Citations

M21 1992 c.13.

15. Teacher employed by a university established on or after 6th May 1992 which, immediately before it became such fell within paragraph 14(a) or (b).

16. Teacher employed by the proprietor of—

- (a) a community home as defined in section 53 of the Children Act 1989 ^{M22};
- (b) a voluntary home as defined in section 60 ^{M23} of that Act; or
- (c) a home provided in pursuance of arrangements under section 82(5) of that Act.

Marginal Citations

M22 1989 c.41.

M23 Section 60 was amended by the Care Standards Act 2000 (c.14), **Schedule 4**.

17. Teacher employed by a local authority or by a voluntary organisation in an establishment which provides facilities under arrangements approved under section 66 of the Powers of Criminal Courts (Sentencing) Act 2000 ^{M24}.

Marginal Citations

M24 2000 c.6.

18. Teacher employed by the Secretary of State or the Welsh Ministers in a special hospital provided by the Secretary of State or the Welsh Ministers under section 4 of NHS Act 2006 or section 4 of NHSWA 2006.

19. Teacher employed for the purpose of instructing, training or superintending the occupation of persons suffering from mental impairment, severe mental impairment, psychopathic disorder or mental illness—

- (a) by the Secretary of State or the Welsh Ministers in a hospital provided by the Secretary of State or the Welsh Ministers under NHS Act 2006 or NHSWA 2006;
- (b) by a voluntary organisation to which financial assistance is given by a local authority or facilities are made available under section 12 of NHS Act 2006 or section 10 of NHSWA 2006; or
- (c) by a local authority in the exercise of its functions under paragraph 2 of Schedule 20 to NHS Act 2006 or paragraph 2 of Schedule 16 to NHSWA 2006.

20. Teacher employed by the Secretary of State in a European School.

21. Organiser employed as a youth and community worker by a local authority in the exercise of its functions under sections 15, 507A, 507B^{M25} or 508 of EA 1996.

Marginal Citations

M25 Sections 507A and 507B were inserted by the Education and Inspections Act 2006 (c.40), section 6.

22. Teacher employed by the Field Studies Council.

23. An accepted member employed by an accepted employer.

PART 3

Service pensionable on election

24. Teacher employed by the proprietor of an institution for the further education and training of disabled persons.

25. Teacher, supervisor or youth worker employed for the purposes of the Ministry of Defence in service with, or for purposes connected with, the armed forces of the Crown unless—

- (a) service in the employment is pensionable under the Public Service (Civil Servants and Others) Pensions Regulations 2014; or
- (b) the teacher, supervisor or youth worker was engaged outside the United Kingdom and was not previously in eligible employment.

26. Organiser employed by—

- (a) a diocesan board of education established under the Diocesan Boards of Education Measure 1991^{M26};
- (b) a body affiliated to the National Open College Network;
- (c) a Roman Catholic diocesan schools commission;
- (d) the Inspiring Futures Foundation;
- (e) the Royal National College for the Blind;
- (f) the Stapleford Centre.

Marginal Citations

M26 1991 No. 2.

PART 4

Service pensionable on election with employer consent

27. Teacher employed in, or in connection with, an establishment for providing social or physical training for which grants are made by the Secretary of State, Sport England, Sport Wales or UK Sport, whose principal duty is to attend the establishment and provide the training or supervise its provision.

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28. Teacher employed by a person to whom grants are made by either the Secretary of State or a local authority in exercise of education functions in respect of expenditure incurred for the purpose for which the teacher is employed.

29. Organiser employed by—

- (a) Sport England;
- (b) Sport Wales;
- (c) UK Sport; or
- (d) any other person, other than a local authority, to whom grants—
 - (i) are made by any of those bodies or by a local authority in exercise of education functions; or
 - (ii) are or have been made by the Secretary of State or the Welsh Ministers, in respect of expenditure incurred for the purpose for which the organiser is employed.

30. Organiser employed as a youth and community worker by a body to which grants are made by a local authority in the exercise of its functions under sections 15 or 508 of EA 1996.

31. Organiser employed by—

- (a) Action for Blind People;
- (b) the Association of Christian Teachers;
- (c) the Association of Business Schools;
- (d) the Assessment and Qualification Alliance;
- (e) the City and Guilds of London Institute;
- (f) the Catholic Education Service;
- (g) EMFEC;
- (h) the Field Studies Council;
- (i) Macmillan Cancer Support;
- (j) the North East Religious Learning Resources Centre Limited;
- (k) SCOPE.

32. Teacher employed by a university who was employed by an institution mentioned in paragraph 9(d) or 14 immediately before the institution became part of the university.

33. Teacher or organiser employed by a body formerly falling within paragraph 28, 29 or 30 which is a non-profit-making body whose principal source of funding is fees paid by a local authority.

34. Teacher employed by the proprietor of, or anyone else concerned in the management of, an accepted school which is a member of COBIS and located in a member State other than the United Kingdom.

Status:

Point in time view as at 01/04/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Teachers' Pension Scheme Regulations 2014, SCHEDULE 1.