

## SCHEDULE 3

### Transitional provisions

## PART 7

### Payment of benefits to transition members

#### CHAPTER 2

#### Application for payment of benefits

#### [<sup>F1</sup>Transition member who has not reached normal pension age under the existing scheme

**38A.**—(1) This paragraph applies to a transition member (P) whilst P—

- (a) is entitled to an ill-health pension under this scheme; and
- (b) has not reached normal pension age under the existing scheme.

(2) Whilst this paragraph applies—

- (a) no pension is payable to P under the existing scheme before P's normal pension age in that scheme; and
- (b) a pension is payable to P under this scheme, determined in accordance with sub-paragraph (3).

(3) Whilst this paragraph applies, the following are payable to P—

- (a) a pension, the annual rate of which is the sum of—
  - (i) P's annual rate of ill-health pension calculated under regulation 113 of these Regulations,
  - (ii) the annual rate of retirement pension that would, if P was entitled to payment of an ill-health pension under the existing scheme, be payable to P under the existing scheme regulations, excluding any total incapacity pension payable under regulation 65 of the existing scheme regulations, and adjusted following any election by P under regulation 116 of those Regulations, and
  - (iii) the annual rate of total incapacity pension, if any, payable under regulation 116 of these Regulations;
- (b)
  - (i) any lump sum payable to P under regulation 168 of these Regulations, and
  - (ii) the amount of any lump sum that would have been payable to P had P been entitled to payment of an ill-health pension under the existing scheme, including any lump sum payable under regulation 116 of the existing scheme regulations, if P makes such an election.

(4) P's entitlement to the pension payable under sub-paragraph (3)(a)(ii) is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension which P would have received had P been entitled to payment of an ill-health pension under the existing scheme, in accordance with the existing scheme regulations.

(5) If a transfer of benefits takes place from the existing scheme prior to the existing scheme normal pension age, P's entitlement to the pension payable under sub-paragraph (3)(a)(ii) comes to an end.

(6) If this paragraph applies, P may not apply under the existing scheme for retirement benefits under Case E as provided in Schedule 7 of the existing scheme regulations.]

**Changes to legislation:** There are currently no known outstanding effects for the *The Teachers' Pension Scheme Regulations 2014, Paragraph 38A*. (See end of Document for details)

---

**Textual Amendments**

**F1** Sch. 3 paras. 38A, 38B inserted (1.4.2015) by [The Teachers Pension Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/592\)](#), regs. 1, **10**

**Changes to legislation:**

There are currently no known outstanding effects for the The Teachers' Pension Scheme Regulations 2014, Paragraph 38A.