

## SCHEDULE 3

### Transitional provisions

## PART 7

### Payment of benefits to transition members

#### CHAPTER 1

##### General

#### Reaching normal pension age

**30.**—(1) If a transition member (P) who applies for payment of retirement benefits under both schemes has reached normal pension age under the existing scheme but has not reached normal pension age under this scheme, the benefits payable under this scheme are to be actuarially reduced.

(2) If P has reached normal pension age neither under the existing scheme nor under this scheme, the benefits payable under both schemes are to be actuarially reduced.

(3) If P has reached normal pension age—

- (a) under the existing scheme only, the benefits payable under that scheme are to be actuarially enhanced under the existing scheme rules (if applicable); or
- (b) under both schemes, the benefits payable under both schemes are to be actuarially enhanced (if applicable).

#### Application of [F1 existing scheme regulations]

**31.**—(1) The [F1 existing scheme regulations] apply in relation to the calculation [F2 and payment] of benefits payable in respect of pensionable service under the existing scheme, save that an application for payment of benefits must be made under regulation 162 of these Regulations and not under [F3 the existing scheme regulations].

(2) The [F1 existing scheme regulations] apply in relation to the payment of additional pension with a retirement pension under the existing scheme, save that an application for payment of benefits must be made under regulation 162 of these Regulations and not under [F4 the existing scheme regulations].

(3) The [F1 existing scheme regulations] apply in relation to an election made by a person (P) for contributions to be paid monthly under paragraph 2(1) (election to pay contributions for additional pension) of Schedule 4 to [F5 the existing scheme regulations] if the election is made [F6 before the transition date].

[F7(4) For the purpose of determining P's entitlement to retirement benefits, P's pensionable employment under the existing scheme terminates when P's pensionable service under this scheme terminates.]

#### Textual Amendments

- F1** Words in Sch. 3 para. 31 substituted (1.4.2015) by [The Teachers Pension Scheme \(Amendment\) Regulations 2014 \(S.I. 2014/2652\)](#), regs. 1, **37(a)**
- F2** Words in Sch. 3 para. 31(1) inserted (1.4.2015) by [The Teachers Pension Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/592\)](#), regs. 1, **5(a)**

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

- F3** Words in Sch. 3 para. 31(1) substituted (1.4.2015) by The Teachers Pension Scheme (Amendment) Regulations 2015 (S.I. 2015/592), regs. 1, **5(b)**
- F4** Words in Sch. 3 para. 31(2) substituted (1.4.2015) by The Teachers Pension Scheme (Amendment) Regulations 2015 (S.I. 2015/592), regs. 1, **5(b)**
- F5** Words in Sch. 3 para. 31(3) substituted (1.4.2015) by The Teachers Pension Scheme (Amendment) Regulations 2014 (S.I. 2014/2652), regs. 1, **37(b)**
- F6** Words in Sch. 3 para. 31(3) substituted (1.4.2022) by The Teachers' Pension Scheme (Amendment) Regulations 2022 (S.I. 2022/320), regs. 1(2), **2(8)**
- F7** Sch. 3 para. 31(4) inserted (1.4.2015) by The Teachers Pension Scheme (Amendment) Regulations 2015 (S.I. 2015/592), regs. 1, **5(c)**

### Determination of final salary

**32.**—(1) For the purpose of calculating benefits payable under the existing scheme to or in respect of a transition member with continuity of service, the member's final salary is determined by reference to Part 5 of [<sup>F8</sup>the existing scheme regulations][<sup>F9</sup>and Schedule 7 to the Act].

(2) Where a salary restriction under regulation 39 of [<sup>F8</sup>the existing scheme regulations] applies in respect of the benefits payable to a transition member, no repayment of contributions is payable under regulation 26 of [<sup>F8</sup>the existing scheme regulations].

#### Textual Amendments

- F8** Words in Sch. 3 para. 32 substituted (1.4.2015) by The Teachers Pension Scheme (Amendment) Regulations 2014 (S.I. 2014/2652), regs. 1, **38(b)**
- F9** Words in Sch. 3 para. 32(1) inserted (1.4.2015) by The Teachers Pension Scheme (Amendment) Regulations 2014 (S.I. 2014/2652), regs. 1, **38(a)**

### Annual rate of pension

**33.** Save where provided otherwise in [<sup>F10</sup>paragraph 38 (application for payment of ill-health pension) and] paragraph 46 (application for supplementary death grant), the annual rate of pension payable to a transition member is found by adding—

- (a) the annual rate of pension payable under the existing scheme; and
- (b) the annual rate of pension payable under this scheme.

#### Textual Amendments

- F10** Words in Sch. 3 para. 33 inserted (1.4.2015) by The Teachers Pension Scheme (Amendment) Regulations 2015 (S.I. 2015/592), regs. 1, **6**

**Changes to legislation:**

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