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STATUTORY INSTRUMENTS

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**2017 No. 1084**

**The Teachers' Pensions Schemes  
(Miscellaneous Amendments) Regulations 2017**

**Amendment to regulation 85 (death grant: death out of service)**

6. In regulation 85 after paragraph (3) insert—

“(3A) Paragraph (3) does not apply if—

- (a) D made an application before D's death under regulation 107 (payment of benefits on application to Secretary of State) for retirement benefits on the basis that Case C, and no other Case (apart from Case A), applied to D's reckonable service;
- (b) at the same time that D made the application mentioned in sub-paragraph (a), D made an application for commutation of the ill-health pension (and any total incapacity pension payable under regulation 65 (total incapacity benefits)) under regulation 118 (commutation: serious ill health); and
- (c) following consideration of the applications mentioned in sub-paragraphs (a) and (b), the Secretary of State determines that the ill-health pension and, if applicable, any total incapacity pension payable with it, should be commuted.”