

**2022 No. 320**

**PUBLIC SERVICE PENSIONS, ENGLAND AND WALES**

**The Teachers' Pension Scheme (Amendment) Regulations 2022**

*Made* - - - - *17th March 2022*

*Laid before Parliament* *18th March 2022*

*Coming into force* - - *1st April 2022*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(d), 2 and 3 of, and Schedule 3 to, the Public Service Pensions Act 2013(a) (“the 2013 Act”).

In accordance with section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

In accordance with section 21(1)(b) of the 2013 Act, the Secretary of State has consulted the representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Teachers' Pension Scheme (Amendment) Regulations 2022.

(2) These Regulations come into force on 1st April 2022.

(3) These Regulations extend to England and Wales.

**Amendment of the Teachers' Pension Scheme Regulations 2014**

2.—(1) Schedule 3 (transitional provisions) to the Teachers' Pension Scheme Regulations 2014(c) is amended as follows.

(2) In paragraph 1 (interpretation)—

(a) after the definition of “existing Fair Deal arrangements” insert—

““final salary benefits” means the benefits accrued in a final salary scheme in respect of which the pension entitlement payable to or in respect of a person's pensionable service is or may be determined by reference to the person's final salary;”;

(b) in the definition of “transition date”, after sub-paragraph (aa) insert—

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(a) 2013 c. 25. Section 3 was amended by section 94(2) to (6) of the Public Service Pensions and Judicial Offices Act 2022 (c. 7).

(b) Section 21 was amended by section 94(8) of the Public Service Pensions and Judicial Offices Act 2022.

(c) S.I. 2014/512 as amended by S.I. 2014/2652, 2015/592 and 2019/1134. There are further amendments, but none are relevant to this instrument.

“(ab) for a full protection member of the existing scheme other than a full protection member described in sub-paragraph (aa), means 1st April 2022;”.

(3) In sub-paragraph (3) of paragraph 5 (continuity of service), before paragraph (a) insert—

“(za) if P is a full protection member of the existing scheme, 31st March 2022;”.

(4) For sub-paragraph (2) of paragraph 6 (meaning of “full protection member”) substitute—

“(2) P ceases to be a full protection member of the existing scheme on whichever of the following days occurs first—

(a) the day on which P ceases to be in pensionable service under the existing scheme; or

(b) 31st March 2022.”.

(5) In the opening words of sub-paragraph (2)(b) of paragraph 9 (Fair Deal members), after “scheme closing date” insert “but before 1st April 2022”.

(6) For sub-paragraph (3) of paragraph 27 (receipt of club transfer values: member with tapered protection or no protection) substitute—

“(3) Payment of the club transfer value must be accepted into—

(a) the existing scheme so far as the payment relates to—

(i) benefits accrued in respect of pensionable service before the transition date; or

(ii) final salary benefits whenever accrued;

(b) this scheme so far as the payment relates to benefits, other than final salary benefits, accrued in respect of pensionable service on or after the transition date.”

(7) For sub-paragraph (5) of paragraph 29 (bulk transfer payments for accepted members: accepting a bulk transfer payment) substitute—

“(5) The bulk transfer payment must be accepted into—

(a) the existing scheme so far as the payment relates to—

(i) benefits accrued in respect of pensionable service before 1st April 2022; or

(ii) final salary benefits whenever accrued;

(b) this scheme so far as the payment relates to benefits, other than final salary benefits, accrued in respect of pensionable service on or after 1st April 2022.”

(8) In sub-paragraph (3) of paragraph 31 (application of existing scheme regulations), for the words from “before—” to the end substitute “before the transition date”.

17th March 2022

*Robin Walker*  
Minister of State  
Department for Education

We consent to the making of these Regulations

16th March 2022

*Alan Mak*  
*Michael Tomlinson*  
Two of the Lords Commissioners of Her Majesty’s Treasury

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Teachers’ Pension Scheme Regulations 2014 (S.I. 2014/512) (“the 2014 Regulations”) in consequence of provision made by the Public Service Pensions and Judicial

Offices Act 2022 (c. 7). The amendments ensure that the existing pension scheme established by the Teachers' Pensions Regulations 2010 (S.I. 2010/990) will, except for limited purposes, be closed to the accrual of pension benefits on and after 1st April 2022, and that any members in pensionable service under the existing pension scheme will, on that date, begin accruing benefits in the scheme established by the 2014 Regulations.

Regulation 2 amends Schedule 3 to the 2014 Regulations as follows—

- paragraph 1 is amended to include a new definition, “final salary benefits”, and the definition of “transition date” has been expanded to include a date for full protection members so that provisions which refer to that term operate as intended in respect of such members;
- paragraph 5(3) is amended to expand the definition of “continuity of service” to include a date for full protection members so that provisions which refer to that term operate as intended in respect of such members;
- paragraph 6(2) is amended so that protection ceases for a full protection member on the earlier of the day on which they leave pensionable service under the existing scheme, or 31st March 2022;
- paragraphs 9(2)(b), 27(3) and 29(5) are amended in relation to Fair Deal members who transfer into the existing scheme;
- paragraph 31(3) is amended in relation to elections for the purchase of additional pension made by full protection members.

A full impact assessment has not been produced for this instrument.

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