

- “pensioner member’s account” has the meaning given in regulation 73;
- “pension sharing order” means any provision or order specified in section 28 of WRPA 1999;
- “period of permanent service”, in relation to service in the armed forces, has the meaning given in regulation 25;
- “permitted maximum” means the amount determined in accordance with paragraph 2 of Schedule 29 to FA 2004;
- “personal pension scheme” means a personal pension scheme as defined in section 1 of PSA 1993 that is a registered pension scheme;
- “phased retirement application” has the meaning given in Chapter 3 of Part 5;
- “phased retirement pension” means a pension payable under regulation 90;
- “phased retirement proportion” means the proportion of accrued earned pension specified in a phased retirement application;
- “PIA index adjustment”, in relation to the opening balance of additional pension for any financial year, means the amount by which the annual rate of a pension of an amount equal to the opening balance would have been increased in that year under PIA 1971 if—
- (a) that pension were eligible to be so increased; and
 - (b) the beginning date for that pension were the first day of the previous financial year;
- “post-benefit service” has the meaning given in regulation 80(3);
- “premature retirement pension” means a pension payable under regulation 98;
- “prospective normal pension age”, in relation to a member’s prospective entitlement to benefits under this scheme, means the normal pension age that the scheme manager determines (by reference to Treasury directions made under section 11(2) of the Act) would apply in relation to those benefits;
- “qualified”, in relation to retirement benefits payable under this scheme, has the meaning given in regulation 79;
- “registered”, in relation to a pension scheme, means registered under Chapter 2 of Part 4 of FA 2004;
- “re-qualified”, in relation to retirement benefits payable under this scheme, has the meaning given in regulation 80;
- “retirement benefits” means—
- (a) a retirement pension; and
 - (b) a lump sum payable under regulation 162 in place of part of that pension;
- “retirement pension” means—
- (a) an age retirement pension;
 - (b) a phased retirement pension;
 - (c) a premature retirement pension;
 - (d) an early retirement pension;
 - (e) an ill-health pension;
 - (f) a total incapacity pension;
- “salary” means gross salary payable under an employment contract;
- “this scheme” means the scheme established by these Regulations;
- “scheme actuary” means the person appointed by the scheme manager for the time being to provide a consulting service on actuarial matters;

PART 2

Governance

Scheme manager

7.—(1) The Scottish Ministers are the scheme manager for this scheme and any connected scheme.

(2) The scheme manager is responsible for managing this scheme and any connected scheme.

(3) The scheme manager may delegate any functions under these Regulations, including this power to delegate.

Establishment of pension board

8.—(1) A pension board (“the Scottish Teachers’ Pension Scheme Pension Board”) is established.

(2) The Scottish Teachers’ Pension Scheme Pension Board is responsible for assisting the scheme manager in relation to securing compliance with—

- (a) these Regulations;
- (b) any other legislation relating to the governance and administration of this scheme and any connected scheme; and
- (c) requirements imposed by the Pensions Regulator in relation to this scheme and any connected scheme.

(3) The scheme manager is to determine the process by which the Scottish Teachers’ Pension Scheme Pension Board discharges its functions.

Membership of pension board

9.—(1) Subject to paragraph (2), the scheme manager may determine—

- (a) the membership of the Scottish Teachers’ Pension Scheme Pension Board;
- (b) the manner in which the Scottish Teachers’ Pension Scheme Pension Board members may be appointed and removed; and
- (c) the terms of appointment of the Scottish Teachers’ Pension Scheme Pension Board members.

(2) The Scottish Teachers’ Pension Scheme Pension Board is to include equal numbers of members representing the employers(18) and members.

Establishment of scheme advisory board

10.—(1) A scheme advisory board (“the Scottish Teachers’ Pension Scheme Advisory Board”) is established.

(2) The Scottish Teachers’ Pension Scheme Advisory Board is responsible for providing advice to the scheme manager, at the scheme manager’s request, on the desirability of changes to this scheme.

(3) The scheme manager is to determine the process by which the Scottish Teachers’ Pension Scheme Advisory Board discharges its functions.

(18) See section 37 of the Act for the meaning of “employer”.

(2) If a person (P) is qualified for retirement benefits, the entitlement day is the earliest of the following—

- (a) if P is in pensionable service on the day on which P reaches normal pension age—
 - (i) the day after P leaves all pensionable service; or
 - (ii) the day on which P reaches 75; and
- (b) if P is not in pensionable service on the day on which P reaches normal pension age, the day on which P reaches normal pension age.
- (3) If P is re-qualified for retirement benefits, the entitlement day is the earliest of the following—
 - (a) if P is in pensionable service on the date of application, the day after P leaves all pensionable service;
 - (b) if P has left all pensionable service on the date of application, such day as P specifies in the application, which must be no earlier than 6 weeks after the date of application;
 - (c) the date of P's 75th birthday.

(4) In this regulation, “date of application” means the day on which P applies for the payment of an age retirement pension.

Entitlement to age retirement pension

83.—(1) A member (P) is entitled to payment of an age retirement pension from the entitlement day if—

- (a) P has reached normal pension age;
 - (b) P is qualified or re-qualified for retirement benefits;
 - (c) P has left all pensionable service; and
 - (d) P has applied under regulation 159 for the payment of an age retirement pension.
- (2) An age retirement pension is payable for life.

Annual rate of age retirement pension

84.—(1) This regulation applies if an active member or a deferred member (P) becomes entitled to payment of an age retirement pension.

- (2) The annual rate of age retirement pension payable to P is found by—
- (a) taking the amount of full retirement earned pension specified in P's pensioner member's account;
 - (b) applying the actuarial adjustment (if any) specified in that account in relation to that amount;
 - (c) subtracting the commutation amount (if any) specified in that account in relation to that amount;
 - (d) adding the amount of full retirement additional pension (if any) specified in that account; and
 - (e) subtracting the commutation amount (if any) specified in that account in relation to the sum of those amounts.

Arrears of pension payable to deferred member who becomes pensioner member after reaching normal pension age

85. A deferred member (P) who becomes a pensioner member after reaching normal pension age is entitled to be paid the total of the following—

- (c) on the day after the entitlement day referred to in regulation 89 the reduced annual rate of P's pensionable earnings in the new employment does not exceed 80% of the average annual rate of P's pensionable earnings for the last 6 months of the previous employment.
- (2) In this regulation—
- “a new employment” means—
 - (a) one or more new eligible employments;
 - (b) one or more employments with an employer mentioned in any paragraph in Part 2 of Schedule 1 that is not an eligible employment where P's normal duties in the employment include providing education or services ancillary to education (other than administrative services); or
 - (c) one or more new eligible employments and one or more employments mentioned in paragraph (b); and
- “previous employment” means one or more previous eligible employments.

Meaning of “entitlement day” (phased retirement pension)

- 89.** The entitlement day for a phased retirement pension is—
- (a) if a person (P) meets the reduced annual rate condition, the day on which the reduced annual rate takes effect; or
 - (b) if P meets the new employment condition, the day on which P enters a new employment.

Entitlement to phased retirement pension

- 90.**—(1) A person (P) is entitled to payment of a phased retirement earned pension from the entitlement day if—
- (a) P has reached 55 but has not reached 75;
 - (b) P is qualified or re-qualified for retirement benefits;
 - (c) P meets the reduced annual rate condition or the new employment condition;
 - (d) P has made a phased retirement application; and
 - (e) P has not applied under regulation 159 for payment of any other retirement pension.
- (2) P is entitled to payment of a phased retirement additional pension from the entitlement day if P has applied under regulation 91 to receive an additional pension with the phased retirement earned pension.
- (3) Subject to regulation 94, a phased retirement pension is payable for life.

Phased retirement applications

- 91.**—(1) For the purpose of regulation 90, a person (P) must make a phased retirement application within 3 months after the entitlement day.
- (2) The application must—
- (a) be accompanied by a certificate from P's current employer stating that P meets the reduced annual rate condition or the new employment condition; and
 - (b) state whether P is applying to receive an additional pension with the phased retirement earned pension.
- (3) A certificate is not required in relation to the new employment condition if the scheme manager is satisfied that P's current employer has not received the necessary information about P's previous employment from P's previous employer.

