

2019 No. 0000

EXITING THE EUROPEAN UNION

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

EDUCATION, ENGLAND AND WALES

**The Teachers' Pensions Schemes (Amendment) (EU Exit)
Regulations 2019**

Sift requirements satisfied ***

Made - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Teachers' Pensions Schemes (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

(2) In these Regulations—

“the 2010 Regulations” means the Teachers' Pensions Regulations 2010(b);

“the 2014 Regulations” means the Teachers' Pension Scheme Regulations 2014(c).

Amendments to the 2010 Regulations

2.—(1) The 2010 Regulations are amended as follows.

(2) In regulation 13(3) (accepted schools), omit sub-paragraph (c).

(3) In Schedule 1 (glossary of expressions), omit the expression “COBIS” and its meaning.

(4) In Schedule 2 (pensionable employment)—

(a) 2018 c. 16.

(b) S.I. 2010/990, amended by S.I. 2012/2270 and S.I. 2014/2651; there are other amending instruments but none is relevant.

(c) S.I. 2014/512, to which there are amendments not relevant to these Regulations.

- (a) in Part 1 (employments pensionable without election), in paragraph 3, omit the words from “(other than a” to the end;
- (b) in Part 3 (employments pensionable on election with employer consent), omit paragraph 25.

Amendments to the 2014 Regulations

3.—(1) Schedule 1 to the 2014 Regulations (eligible employment) is amended as follows.

(2) In Part 1 (general)—

- (a) in paragraph 1 (interpretation), omit the definition of “COBIS”;
- (b) in paragraph 2 (meaning of accepted school), in sub-paragraph (3), omit paragraph (c).

(3) In Part 2 (service pensionable without election), in paragraph 11, omit the words from “(other than a” to the end.

(4) In Part 4 (service pensionable on election with employer consent), omit paragraph 34.

Savings

4.—(1) Despite the amendments made by regulation 2, Schedule 2 to the 2010 Regulations continues to apply on and after exit day in relation to an existing COBIS teacher as if that regulation had not come into force.

(2) In this regulation, “existing COBIS teacher” means a person who at any time before exit day—

- (a) was employed as a teacher by the proprietor of, or anyone else concerned in the management of, an accepted school which was a member of COBIS and was located in a member State other than the United Kingdom; and
- (b) in respect of that employment, made contributions to the Scheme (within the meaning of the 2010 Regulations).

(3) In this regulation—

- (a) “COBIS” has the meaning given in Schedule 1 to the 2010 Regulations as it had effect immediately before exit day;
- (b) “accepted school” has the meaning given in regulation 13 of the 2010 Regulations as it had effect immediately before exit day.

5.—(1) Despite the amendments made by regulation 3, Parts 2 and 4 of Schedule 1 to the 2014 Regulations continue to apply on and after exit day in relation to an existing COBIS teacher as if that regulation had not come into force.

(2) In this regulation, “existing COBIS teacher” means a person who at any time before exit day—

- (a) was employed as a teacher by the proprietor of, or anyone else concerned in the management of, an accepted school which was a member of COBIS and was located in a member State other than the United Kingdom; and
- (b) in respect of that employment, made contributions to the scheme established by the 2014 Regulations.

(3) In this regulation—

- (a) “COBIS” has the meaning given in Schedule 1 to the 2014 Regulations as it had effect immediately before exit day;
- (b) “accepted school” has the meaning given in paragraph 2 of Schedule 1 to the 2014 Regulations as it had effect immediately before exit day.

Signed

Date

Name
Minister of State for School Standards

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(d)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of teachers' pensions. Regulation 2 amends the Teachers' Pensions Regulations 2010 (S.I. 2010/990) and regulation 3 amends the Teachers' Pension Scheme Regulations 2014 (S.I. 2014/512). The amendments end the recognition of employment at an accepted school, which is a member of the Council of British International Schools and is located in a member State, as accruing pension for the purposes of teachers' pensions arrangements. Regulations 4 and 5 make savings in respect of those teachers who were employed at an accepted school and had made contributions to the relevant pension schemes.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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