



Local Government Pensions Committee
Secretary, Jeff Houston

LGPC Bulletin 113 – March 2014

This month's Bulletin contains a number of general items of information.

Please contact Mary Lambe with any comments on the contents of this Bulletin or with suggestions for other items that might be included in future Bulletins. [LGPC contacts](#) can be found at the end of this Bulletin.

This month's [Bits and Pieces](#) includes [LGPC Circulars](#) and [Timeline Regulations](#).

Contents

LGPS 2014

[Transitional Regulations](#)

[Pensions for Councillors](#)

[Administration and Employer Guides and Forms](#)

[Employee Communications](#)

[LGPS \(England and Wales\) Broad Comparability Certificates](#)

[Transfer Out Declaration Forms](#)

[Public Service Pension Act 2013 \(Commencement Order No.4\)](#)

[Secretary of State Guidance](#)

Budget 2014

[Budget 2014 update](#)

[Impact on the LGPS of increased trivial commutation and small pot payment limits](#)

[Pensions liberation](#)

Annual Update

[The Social Security Revaluation of Earnings Factors 2014](#)

[Pensions Increase \(Review\) Order 2014](#)

[The GMP Increase Order 2014](#)

[LGPS Scotland: Contribution Banding Table for 2014/15](#)

Automatic Enrolment

[Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2014](#)

[Automatic Enrolment Guides](#)

[Automatic Enrolment PSNR Number](#)

[Office for National Statistics \(ONS\) figures - increase in pensions participation](#)

Other News Items

Reminder to submit Fixed Protection 2014 Applications

QROPS can be report online

Institutions for Occupational Retirement Provision (IORP) II Directive

Fair Deal and the NHS Pension Scheme

Countdown to ending of contracting-out

Academies

LGPS 2014

Transitional Regulations

The Local Government Pension Scheme (LGPS) (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525) were made on the 5 March 2014, laid before parliament 10 March 2014, and come into force 1 April 2014. The regulations can be found on the [government's legislation website](#) and are available on the [LGPS regulations website](#).

Pensions for Councillors

The recently issued LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 contain the following regulation relating to councillors:

Councillor pensions

26. —(1) *Notwithstanding the revocation of the 1997 Regulations, they continue to have effect in respect of councillor members and their councillor membership, with the modifications set out in Schedule 8 to those Regulations —*

(a) in respect of a councillor member who is a member of a local authority in Wales;

(b) in respect of a councillor member who is a member of a local authority in England only to the extent that a councillor who is a member on 31st March 2014 may continue to accrue rights until the end of the term of office which that member is serving on 1st April 2014.

(2) The 2013 Regulations are amended in accordance with paragraph (3).

(3) In Part 4 of Schedule 2 (scheme employers), omit the entries relating to the Mayor of London and a member of the London Assembly.

(4) Notwithstanding the amendment effected by paragraph (3), a member who is the Mayor of London or a member of the London Assembly on 1st April 2014 is entitled to membership of the 2014 Scheme, and may continue to accrue rights in that Scheme, until the end of the term of office which that member is serving on 1st April 2014, or age 75, whichever is the earlier.

The LGPS Secretariat has received requests for advice concerning a number of points. These are set out below (please note this advice relates to Councillors and elected mayors in England only).

1. Can councillors who:

- a) are in the scheme on 31 March 2014, and
- b) whose current term of office ends after that date, and
- c) who are immediately re-elected, remain in the scheme?

The answer to this question is no. They will cease to be members of the scheme at the end of the current term of office they were serving on 1 April 2014; this is confirmed in Brandon Lewis MP's [Written Ministerial Statement](#). Thus, for example, councillors standing for re-election in May 2014 will cease to be members in May 2014 even if they are re-elected to a new term of office.

2. When does a councillor's term of office end?

Section 7 of the Local Government Act 1972 provides that the term of office shall end on the fourth day after the ordinary day of election of councillors. New terms of office commence from the fifth day.

3. Does regulation 26 of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 also apply to elected mayors who are contributing to the LGPS?

Yes. The policy intention is that, by virtue of section 18(6) of the Local Government and Housing Act 1989 and regulation 2 of the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 [SI 2002/975], an elected mayor is to be treated as a councillor of an authority.

4. When a councillor ceases to be an active member of the scheme upon the cessation of the current term of office they were serving on 1 April 2014, will he / she be able to make an election to draw pension benefits on or after age 60 (or on or after age 50 and before age 60, with the council's consent), even if the councillor is immediately re-elected?

The answer to this is yes (subject, of course, to the council only being able to accept a request for payment on or after age 50 and before age 60 if the council's published discretions policy so allows). It should be noted, however, that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

5. Can a councillor join after 1 April 2014?

Regulation 26(1) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 says that, despite their revocation, the LGPS Regulations 1997 continue to apply to a councillor who is a member on 31 March 2014 until the end of that councillor's current term of office. Thus, the Regulations do not continue to apply to a councillor who is not a member on 31 March 2014 and so such a councillor who is not a member on that date cannot join the scheme on or after 1 April 2014.

6. Why are Police and Crime Commissioners (PCCs) retaining access to the LGPS in England given they are also elected representatives?

The consultation document '[Taxpayer-funded pensions for councillors and other elected local office holders](#)' made reference to PCCs and in paragraph 1.17 it states:

'Police and crime commissioners were allowed access to the Local Government Pension Scheme in November 2012, as part of an agreed package of remuneration. Given that the commissioners have only recently taken up their new posts, the government does not propose to consult on removing their access to the Scheme at this immediate point in time.'

7. What treatment should AVC arrangements for Councillors receive?

Regulation 26 of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 provides that the LGPS Regulations 1997 continue to apply to councillors. So in respect of the provisions for AVC contracts they will still be covered by the old AVC provisions i.e. 50% maximum contributions and 100% maximum tax free cash, regardless of whether their AVC arrangements commenced before, on or after 1 April 2014.

Arrangements taken out before 1 April 2014 are covered by both regulation 15(1)(d) and regulation 26 of the LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014. If the arrangement is taken out on or after 1 April 2014 they are covered by regulation 26 of the LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014.

8. Can a Councillor's benefits be paid if they opt-out before the end of the term they are current serving?

If a councillor opts out at or after age 60 and before their term of office ends the LGPC Secretariat is of the view that they cannot access their pension until their current term of office ends (or age 75 if earlier).

At the point of opting out before age 65 it would appear the member would be entitled to a deferred benefit under regulation 31 of the LGPS Regulations 1997. Optants out at or after age 65 would not be entitled to immediate benefits under regulations 25 or 25A of the LGPS Regulations 1997 as benefits under regulation 25 are only payable when a member retires from a local government employment and are only payable under regulation 25A when a member retires from service.

The member would, on opting out, be awarded a deferred benefit under regulation 31(1) of the LGPS Regulations 1997. That regulation sets out the provisions governing when, after leaving a "local government employment", the deferred benefit can be brought into payment. Schedule 1 of the LGPS Regulations 1997 defines a "local government employment" as employment (which Schedule 1 defines as including office) by which the person is or has been a member of the LGPS. Obviously, in relation to an optant out, the person has (in the past) been a member of the LGPS in relation to their employment / office. So, a deferred benefit cannot be paid until the member has left the pensionable employment / office in which they were a member (or age 75 if earlier). This is backed up by regulation 35(1) of the LGPS Regulations 1997 which says that benefits cannot be paid until the member has retired from the pensionable employment (which Schedule 1 defines as including office) in which he had been a member (or age 75 if earlier).

However, regulation 31(7A) of the LGPS Regulations 1997 appears to contradict this for members who opt out before age 65 by saying that such members should not be able to access their pension benefits at their NRD (65) whilst they continue in employment (which Schedule 1 defines as including office) **unless** they obtain their employer's permission to the release of their benefits. It seems that that discretion should not be exercised by the employer as agreeing to the release of the deferred benefits would clearly be contrary to the provisions in regulations 31(1) and 35(1) which provide that the benefits cannot be paid until the member leaves the pensionable employment / office (or age 75 if earlier). The LGPC Secretariat take the view that the safest approach is to comply with regulations 31(1) and 35(1) and not pay benefits to optants out until they have ceased the pensionable employment / office in which they were a member (or age 75 if earlier). The member can personally decide to defer payment beyond the date of ceasing the pensionable employment / office to beyond age 65 if they so wish under the provisions of regulation 93(2)(b) of the LGPS Regulations 1997.

Can an optant out opt back into the scheme during the current term of office? Well, it depends on when the councillor opted out. Regulation 26(1) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 says that, despite their revocation, the LGPS Regulations 1997 continue to apply to a councillor **who is a member on 31 March 2014** until the end of that councillor's current term of office. Thus, if a councillor had opted out before 1 April 2014 and was not a member on 31 March 2014 that councillor could not re-join the Scheme post 31 March 2014. If, however, the councillor was a member on 31 March 2014 and opted out post that date, the councillor could opt to rejoin the Scheme during the current term of office.

The above conclusions have been reached after detailed consideration of the relevant legislation and consultation with DCLG.

The LGA has issued a [press release](#) concerning the Government's decision on councillors' pensions, and will be making representations to all political parties at Westminster to continue to strongly put the case for councils to be able to make pension provision for their elected members.

The LGPC Secretariat have been informed that a group of MPs have prayed against the transitional regulations (we understand this is in view of the changes being made by the regulations to councillors' pensions) requesting that the regulations are annulled. This prayer is made by way of an Early Day Motion (EDM) and has been submitted to be considered for debate in the House of Commons. In reality very few EDMs are debated and the last case of a successful prayer against a Statutory Instrument was in 1979 and only 3 were successful in the last 150 years. The EDM against the transitional regulations can be viewed on [Parliament's website](#).

Finally please see the article below outlining the provisions of the [Public Service Pensions Act 2013 - Commencement Order No.4](#) which also makes reference to the treatment of LGPS councillor members.

Administration and Employer Guides and Forms

Following the laying of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 the LGPC Secretariat released a number of documents, some new and others updated to reflect the release of the laid Transitional Regulations. These include:

- New discretions policy document
- New underpin paper
- Updated aggregation paper
- Updated annual benefits statement paper
- Updated discretions list
- Updated revaluation paper
- Updated survivors' benefits paper
- Updated 85 year rule paper

The latest version of these papers (and tracked changed versions where amendments have been made) are available from the [LGPS regulations website](#).

Updates were also made this month to the HR and Payroll Guides and versions 2.6 of both documents are available from the [LGPS regulations website](#).

Circular 277 containing details of ill health procedures and sample ill health certificates is available from the [LGA's website](#).

A sample 50/50 election form (and notes of guidance for employers) together with a sample election form to move from the 50/50 section to the main section is available on the [LGPS regulations website](#). These samples are based on drafts shared with the LGPC Secretariat by Merseyside Pension Fund and Tyne and Wear Pension Fund to whom the LGPC Secretariat offers its thanks.

Employee Communications

A full and brief guide for employees is available from the [LGPS regulations website](#). Both have been made available in word format. These guides are prepared based on the LGPC Secretariat's understanding of information presently available including relevant statutory instruments. Updates to the full guide have been made since first issued and tracked changed versions are also available.

A Contribution Calculator for the new scheme was launched on the 13 March 2014. The calculator requires users to input some information including their annual pensionable pay, pay frequency, section of the scheme they are in and whether they are over State Pension Age. The results will include both the gross and net contribution amount for the new scheme. To access the LGPS 2014 Contribution Calculator please visit the [LGPS 2014 member website](#).

Following the laying of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 the LGPC secretariat has updated the following topic based leaflets:

- Paying into the LGPS before April 2014
- Member contributions and the flexibility to pay more or less
- How is my pension worked out?
- When can I take my pension?
- Mythbusting LGPS 2014

The LGPS 2014 PowerPoint presentation for scheme members and the LGPS 2014 terminology document have both been updated to ensure they reflect the most up to date information available. The updated leaflets and PowerPoint presentation are available on the [LGA's website](#).

LGPS (England and Wales) Broad Comparability Certificates

On the 12 March 2014 the Government Actuary's Department (GAD) published on their website an update to their previous announcement (27 November 2013 - see [Bulletin 110](#)) which confirmed that all existing LGPS (E&W) broad comparability certificates have now been withdrawn, and that they are now accepting applications for certificates based on the new LGPS 2014 scheme benefit structure. To read the announcement in full please visit [GAD's website](#).

From 10 March 2014 (the date the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 were laid) existing broad comparability certificates issued by GAD will cease to be valid for transfers of employment which take place on or after this date. Where contractual terms have been agreed but the transfer of staff has not yet taken place then these transfers will need to take account of the new scheme regulations for LGPS 2014.

Where a transfer of employment has already taken place a new broad comparability assessment is not required as the original assessment was based on the position of both schemes at the point of transfer. Changes to either scheme which are made after the employees have transferred fall outside the broadly comparable requirements.

As readers will also be aware DCLG have yet to publish their review of what is needed in respect of achieving the principles of Fair Deal in the LGPS and ongoing pensions' protection for scheme members. A consultation on these regulations is expected from DCLG in April.

Transfer Out Declaration Forms

[Bulletin 102](#) (May 2013) included pro-forma transfer out declaration forms. From 1 April 2014 members of the LGPS in England and Wales will no longer need to have nominated a cohabiting partner for a survivor's pension. Thus, from 1 April 2014, administering authorities in England and Wales (but not Scotland) should amend the following entries in the "Present Status" box on the second page of the forms at Annexes 1 to 5 of Bulletin 102:

Amend:

I have nominated a cohabiting partner to be entitled to a benefit under the LGPS;

to:

I have a cohabiting partner;

and amend the second note from:

2. If you have nominated a cohabiting partner to be covered by the LGPS please attach **[Administering authority to enter information required by the administering authority to verify that the cohabitation conditions have been met for 2 years as at the relevant date]**

to

2. If you are cohabiting with a partner please attach the following so we can verify that the cohabitation conditions for entitlement to a survivor's pension have been met **[Administering authority to enter information required by the administering authority to verify that the cohabitation conditions have been met for 2 years as at the relevant date]**

Public Service Pension Act 2013 (Commencement Order No.4)

The [Public Service Pensions Act 2013 \(Commencement No.4\) Order 2014 \[SI 2014/839\]](#) was made on the 26 March 2014. Amongst other things this Statutory Instrument:

a) brings into force, from 1 April 2014 (the appointed day):

- section 4 (scheme manager)
- section 5 (pension board)
- section 6 (pension board: information)
- section 7 (scheme advisory board)

of the Public Service Pensions Act 2013 for all remaining purposes of that Act **except** for the purpose of making scheme regulations in relation to the LGPS in England and Wales (or scheme regulations for fire and rescue workers).

b) brings into force, from 1 April 2014 (the appointed day):

- section 10 (pension age)
- section 18 (restriction of existing pension scheme) and Schedule 5 (existing pension schemes)

of the Public Service Pensions Act 2013 for all remaining purposes of that Act **except** in relation to transitional councillor members (i.e. those councillors covered by regulation 26 of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014). Thus the normal pension age for transitional councillor members for membership after 31 March 2014 remains age 65 and is not linked to State Pension Age.

c) brings into force, from 1 April 2014 (the appointed day):

- paragraphs 18, 19 and 20 of Schedule 8

of the Public Service Pensions Act 2013 for all remaining purposes of that Act **except** in relation to transitional councillor members (i.e. those councillors covered by regulation 26 of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014). Paragraphs 19 of Schedule 8 to the Public Service Pensions Act 2013 provide that whereas a short service benefit (accrued after 2 years' qualifying service or a transfer in from a personal pension) for a member who ceases membership before normal pension age must, under section 71 of the Pension Schemes Act 1993, be paid at an age which is no greater than 65 or normal pension age (if a scheme's normal pension age is greater than 65) that section does not apply to a public service pension scheme made under section 1 of the Public Service Pensions Act 2013. Due to the exception, short service benefits for transitional councillor members who cease membership before normal pension age must, as now, be paid no later than age 65 (unless the member elects to defer payment beyond that age).

d) brings into force, from 1 April 2014 (the appointed day):

- section 28 (existing local government schemes)

of the Public Service Pensions Act 2013. The current LGPS regulations for the 2014 Scheme thereby have effect as if made under section 1 of that Act.

e) brings into force, from 2 April 2014 (the appointed day):

- section 13 (employer contributions in funded schemes)

of the Public Service Pensions Act 2013. That section requires schemes regulations to require actuarial valuations of the pension funds and to provide for the rate of employer contributions to be set at an appropriate level to ensure the solvency of the pension fund and the long-term cost efficiency of the scheme (so far as relating to the pension fund). It also requires that, following a valuation, an appropriately qualified person appointed by the responsible authority (the administering authority) must prepare, publish and send to the responsible authority and the scheme manager (the Secretary of State) a report on whether the valuation had been undertaken in accordance with the scheme regulations, was not carried out in a way that was inconsistent with other valuations, and whether the rate of employer contributions set at the valuation meets the objectives of ensuring the solvency of the pension fund and long-term cost effectiveness of the scheme. If not, the appointed person can recommend remedial steps and the administering authority must take such remedial steps as they consider appropriate. They must publish details of the steps taken and the reasons for them. The Secretary of State can also

require the administering authority to report on progress in taking remedial steps and direct that the administering authority takes such remedial steps as the Secretary of State considers appropriate.

f) brings into force section 9(4)(a) (revaluation of CARE pot under Treasury Revaluation Orders) of the Public Service Pensions Act 2013:

- from 1 April 2015 (the appointed day) for the purposes of the LGPS in England and Wales **except** in relation to transitional councillor members (i.e. those councillors covered by regulation 26 of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014) and
- from 1 April 2016 for all remaining purposes.

Secretary of State Guidance

The LGPS Secretariat received notification from DCLG on the 31 March 2014 that Secretary of State guidance in respect of the following areas was released:

- Transfers
- AVC conversion to Additional Pension
- Trivial Commutation
- Purchase of Additional Pension
- Pension Credits on Divorce
- Limits on Additional Cash Commutation, and
- Late Retirements.

The guidance can be viewed on [DCLG's website](#) and will shortly be made available on the [LGPS regulations website](#).

Budget 2014

Budget 2014 update

Some of the most significant proposals to reform defined contributions (DC) pensions in years were announced as part of [Budget 2014](#), including plans to make fundamental reforms to the tax treatment of such schemes and in particular flexibility around the ability to take lump sum drawdown as an alternative to purchasing an annuity. Whilst these changes may not directly apply to the LGPS there are some changes that will apply, including increases to the trivial commutation amount (see next article below), the proposal to raise the age at which an individual can take their private pension savings under the tax rules from 55 to 57 in 2028, at the point that the State Pension age increases to 67 (although the transition to age 57 will need to begin before 2028) and the possibility of stopping transfers from public service pension scheme to DC schemes except in certain limited circumstances. With regard to the latter HM Treasury has launched a consultation entitled '[Freedom and choice in pensions](#)' which the LGA pensions team will be responding to in due course. The closing date for this consultation is 11 June 2014.

Impact on the LGPS of increased trivial commutation and small pot payment limits

The Chancellor of the Exchequer as part of [Budget 2014](#) announced an increase in the trivial commutations limit from £18,000 to £30,000 and an increase to the small pot payments limit from £2,000 to £10,000. These increases take effect from 27 March 2014 and will impact on all schemes including the LGPS. Details of these changes as well as the draft amending clauses to the Finance Act 2004 can be found in HMRC documentation

available on the [Government's website](#). The following information details the position for both the LGPS in England and Wales and Scotland.

Under regulation 39(1) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and regulation 34 of the LGPS Regulations 2013 administering authorities in **England and Wales** may:

- a) pay a lump sum which is a trivial commutation lump sum within the meaning of section 166 of the Finance Act 2004
- b) pay a lump sum which is a trivial commutation lump sum death benefit within the meaning of section 168 of the Finance Act 2004, and
- c) pay a lump sum which is a commutation payment under regulations 6, 11 or 12 of the Registered Pension Schemes (Authorised Payments) Regulations 2009 [SI 2009/1171]

Under regulation 39(1) of the LGPS (Benefits, Membership and Contributions) (Scotland) Regulations 2008 administering authorities in **Scotland** may:

- a) pay a lump sum which is a trivial commutation lump sum within the meaning of section 166 of the Finance Act 2004
- b) pay a lump sum which is a trivial commutation lump sum death benefit within the meaning of section 168 of the Finance Act 2004, and
- c) pay a lump sum which is a commutation payment under regulation 6 [but not 11 or 12] of the Registered Pension Schemes (Authorised Payments) Regulations 2009 [SI 2009/1171]

From 27 March 2014 the total value of all pension pots must be less than £30,000 for trivial commutation under (a). To be paid this type of lump sum the member must:

- be aged 60 or over (or, in the case of a man who has a GMP, age 65*)
- take a lump sum in respect of all their benefits within the LGPS in England and Wales (for a member of the LGPS in England or Wales who wishes to commute) or all their benefits within the LGPS in Scotland (for a member of the LGPS in Scotland who wishes to commute), and
- have their pension savings in all their pension schemes (LGPS and non-LGPS) valued on the same date which must be no more than three months before they take their first trivial commutation lump sum

If they are taking a trivial lump sum from more than one pension scheme they must take all the trivial lump sums within 12 months of the first lump sum payment (the trivial commutation period under paragraph 7(2) of Schedule 29 to the Finance Act 2004). The change to £30,000 from the previous limit of £18,000 applies to all trivial commutation periods starting on or after 27 March 2014 i.e. where the first trivial commutation lump sum payment from any pension scheme is made on or after that date.

The de minimis 'small pot' payment limit for payments under regulations 11 and 12 of the Registered Pension Schemes (Authorised Payments) Regulations 2009 [SI 2009/1171] increases from £2,000 to £10,000 for all payments made under those regulations on or after 27 March 2014. The de minimis lump sum payment option is only available to administering authorities in England and Wales (as the relevant amendments to regulation 39(1) of the LGPS (Benefits, Membership and Contributions) (Scotland) Regulations 2008

have not yet been made). Where an administering authority in England and Wales wishes to utilise the de minimis lump sum payment option:

- the member must be aged 60 or over (or, in the case of a man who has a GMP, age 65*)
- the commutation value of the person's benefits in the LGPS in England and Wales (or, for a member in Scotland, the value of their LGPS benefits in Scotland) must be less than £10,000
- the member must take all their benefits in the LGPS in England and Wales (or, for a member in Scotland, all their benefits in the LGPS in Scotland) as a lump sum
- the member must not have transferred any funds out of the pension scheme in the last three years, and
- the member must not be a 'controlling director' - or someone connected with a controlling director - of an employer that participates in the pension scheme.

*Note:

The LGPS revalues GMPs by Section 148 orders. GMPs revalued by Section 148 orders cannot be commuted before GMP Pension Age by virtue of regulation 60(1)(a) of the Occupational Pension Schemes (Contracting-out) Regulations 1996 [SI 1996/1172]. Although regulation 60(2) of that Statutory Instrument relaxes that requirement in the case of early retirements, that relaxation only applies where the GMP is revalued by the Fixed Rate method.

Pensions liberation

As part of Budget 2014 it was announced that the Government will legislate to give HMRC 'broader powers' from 20 March 2014 in relation to the registration and de-registering of schemes. In addition new financial penalties were announced of up to £3,000 where false information has been provided to HMRC. For more information please visit the [Government's website](#).

Annual Update

The Social Security Revaluation of Earnings Factors 2014

The [Social Security Revaluation of Earnings Factors Order 2014 \[SI 2014/367\]](#) comes into force on 6 April 2014 (i.e. the earnings factors used to calculate a scheme member's GMP). The percentage increase for the tax year 2013/14 is 0.9% and is based on the measure of the increase in the general level of earnings obtaining in Great Britain. The Statutory Instrument may be viewed at [Timeline Regulations Section 148 Revaluation Orders page](#).

Pensions Increase (Review) Order 2014

The annual rate of pensions increase to be applied from 7 April 2014 to a qualifying pension which began (i.e. has a pensions increase date) before 8 April 2013 will be 2.7%. The percentage and part year percentages are detailed in the [Pensions Increase \(Review\) Order 2014 \[SI 2014/668\]](#) which, together with the appropriate multiplier tables, can be viewed at [the Timeline Regulations Pensions Increase \(Review\) Orders page](#).

The GMP Increase Order 2014

The increase to be applied from 6 April 2014 to the post 5 April 1988 Guaranteed Minimum Pension element of a pension in payment is 2.7% (assuming the AP is not less than the

GMP). This is set out in the [Guaranteed Minimum Pensions Increase Order 2014 \[SI 2014/515\]](#) which can be viewed at [the Timeline GMP Increase Orders page](#).

LGPS Scotland: Contribution Banding Table for 2014/15

The Scottish Public Pensions Agency (SPPA) released version 8 of their guidance for the Assessment of Member Contribution Rates in March 2014. Within this document the contribution banding rates for the LGPS in Scotland for 2014/15 were confirmed as:

Tiered Contribution Pay Rates	
Full Time Equivalent (FTE) Pensionable Pay (2014/2015)	Rate (%)
On earnings up to and including £20,335	5.5%
On earnings above £20,335 and up to £24,853	7.25%
On earnings above £24,853 and up to £34,096	8.5%
On earnings above £34,096 and up to £45,393	9.5%
On earnings above £45,393	12%

To read this guidance visit the [Timeline Regulations website](#).

Automatic Enrolment

Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2014 [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2014 \(SI 2014/623\)](#) comes into force 6 April 2014 and details the annualised equivalent earnings for 2014/15 to assess entitled workers, non-eligible jobholders and eligible jobholder for Automatic Enrolment purposes. The annualised equivalent lower earnings threshold for 2014/15 is £5,772 and the earnings trigger for automatic enrolment is earnings over £10,000. The following table shows the values per pay reference period for 2014/15:

Pay reference period	Lower earnings threshold p.a.	Earnings trigger for automatic enrolment
Annual	£5,772.00	£10,000.00
6 months	£2,886.00	£4,998.00
3 months	£1,443.00	£2,499.00
1 Month	£481.00	£833.00
4 weeks	£444.00	£768.00
Fortnight	£222.00	£384.00
1 week	£111.00	£192.00

To view the Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2014 (SI 2014/623) please visit the [Timeline Regulations website](#).

Automatic Enrolment Guides

The full (version 5.6) and brief (version 4) automatic enrolment guides and sample letters have been updated to reflect the latest amendments to the LGPS Regulations, the LGPS contribution rates /bands for 2014/15 and the Automatic Enrolment earnings trigger and qualifying earnings band for 2014/15. Clean and tracked versions are available at both the [LGA's website](#) and the [LGPS regulations website](#).

Automatic Enrolment PSNR Number

Over recent weeks the LGPC Secretariat has fielded queries from employers who are reaching their staging date where they have indicated difficulty obtaining a Pension Fund's Pension Scheme Registry Number (PSRN) (the 8 digit number starting with 1 which each of the 100 LGPS Funds has) and instead they are being issued with the sub scheme Pension Scheme Tax Reference Number (PSTR) number for a fund. We have instructed such employers to contact their fund again on the understanding that in September 2011 LGPS administering authorities were required to complete an on line return for the Pension Regulator. The person who completed this in each administering authority (e.g. the pension manager or the internal investment manager) will have log in details for use of the site at <https://exchange.thepensionsregulator.gov.uk> which will bring up the name of the scheme and the PSRN relevant for that fund.

Office for National Statistics (ONS) figures - increase in pensions participation

ONS figures issued 14 March 2014 show that 50% of all employees were members of a pension scheme in 2013, which is the largest increase since records began in 1997. For more details on these figures please visit the [Government's website](#).

Other News Items

Reminder to submit Fixed Protection 2014 Applications

HMRC issued a reminder to all funds via the LGPC Secretariat in March 2014 that the window for applying for Fixed Protection (FP 2014) closes on 5 April 2014. To help members decide whether they should apply for FP2014 they should visit the [HMRC's website](#).

QROPS can be report online

HMRC recently announced that transfers to QROPS can now be reported online. For further information please visit [HMRC's website](#).

Institutions for Occupational Retirement Provision (IORP) II Directive

On the 27 March the European Commission published its proposal to revise the rules for occupational pension funds via the IORP II directive. The main objectives include:

- to ensure that pension scheme members are properly protected against risks;
- to fully reap the benefits of the single market for occupational pensions by removing obstacles to cross-border provision of services; and
- to reinforce the capacity of occupational pension funds to invest in financial assets with a long-term economic profile and thereby support the financing of growth in the real economy.

For full details on the proposals included in the IORP II directive please visit the [European Union's website](#). The LGPC Secretariat will be working with colleagues nationally and in Europe to fully determine the impact such a directive would place on the LGPS were it to be enforced.

Fair Deal and the NHS Pension Scheme

The Department for Health this month released guidance for the NHS Pension Scheme in respect of Fair Deal for Staff Pensions. This guidance may be of interest to local authorities who have employees who are eligible for membership of the NHS Pension Scheme. The guidance is available from the [Government's website](#).

Countdown to ending of contracting-out

HMRC issued the first of a series of bulletins in March to provide updates about activities linked to the end of contracting-out from April 2016. The following items are covered in this edition including:

- background to the ending of contracting-out including an activity timeline
- the Scheme Reconciliation Service.
- scheme Contracted Out Number (SCON) Mandation.
- apparent Un-notified Terminations (AUTs).

You will find the 'Countdown to the end of contracting out' bulletin on [HMRC's website](#) under news items from 5 March 2014.

Academies

[Bulletin 108](#) contained information about a six week DCLG consultation on potential pooling arrangements within the LGPS regulations for Academies and Local Authorities. It appears that as a result of the responses to the consultation and to a recent online survey (from the Department for Education (DfE)) regarding the impact on academies employer contribution rates of the Secretary of State's 'guarantee' that DfE are no longer wholly wedded to pooling. DCLG released information in February 2014 outlining that they continue to have conversations with administering authorities, actuaries and other interested parties to understand how best to proceed with regard to pooling arrangements. To read the statement issued on the 14 February from DCLG please visit the [Timeline Regulations website](#). In addition DCLG issued an updated set of FAQs on Academy arrangements and the LGPS. Edition 4 is now available on the [Timeline Regulations website](#).

Bits and Pieces

Circulars

Circular 276

In March, [Circular 276](#) was issued to announce the 11 annual LGPS Trustees' conference. The conference is taking place over the 19th and 20th June 2014 in the Marriott Highcliff Hotel in Bournemouth. Bookings are being taken on the [LGA's website](#) and a full programme for the conference will be made available next month.

Timeline Regulations

The following updates have been made to the Timeline Regulations website in March 2014.

England and Wales

Statutory Instrument 2014/44 has been reflected in the following regulations:

- Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
- Local Government Pension Scheme (Administration) Regulations 2008

The following GAD guidance has been added to the post 31 March 2008 GAD guidance page:

- Correction to Table A in GAD guidance on "Application of a Pension Debit for Divorced Members - dated 4 March 2013" - issued 25 February 2014

- Correction to Table B1 of Section 4 in GAD guidance on "Annual Allowance Charges: Calculation of Scheme Pays Offset - dated 6 September 2012" - issued 25 February 2014

Updates to the Statutory Guidance page include:

- CLG Letter - 2014 Pensions Increase and Multiplier Tables
- CLG Note - Department for Education online survey: Impact of the guarantee on academy rates
- Academies FAQ Document (Edition 4)

Scotland

Statutory Instrument 2014/23 has been reflected in the following regulations:

- Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008
- Local Government Pension Scheme (Administration) (Scotland) Regulations 2008

The following GAD guidance has been added to the post 31 March 2009 GAD guidance page:

- Scottish Addendum - Purchase of additional pension - elections on or after 1 April 2012 - issued 6 March 2014
- Scottish Addendum - Purchase of additional pension - elections that commenced prior to 1 April 2012.
- Correction to Table B1 of Section 4 in GAD guidance on "Annual Allowance Charges: Calculation of Scheme Pays Offset - dated 25 October 2012" - issued 21 February 2014

Please note: Following receipt of the above correction to "Table B1 of Section 4 - Annual Allowance Charges: Calculation of Scheme Pays Offset" it became evident that the other amendment to GAD guidance which this correction note covered - Table A in GAD guidance on "Application of a Pension Debit for Divorced Members" - dated 7 March 2013 was not held on the Timeline Regulations website. We have received an update from colleagues in Dundee Pension Fund of GAD guidance which appears to be missing from the Timeline Regulations website. The LGPC secretariat will undertake a review of GAD Guidance held for the LGPS in Scotland in the coming weeks and issue an email to pension managers in Scotland to confirm any updates which are required and subsequently made.

Updates to the Statutory Guidance page:

- Guidance for assessment of member contribution rates - Version 8 (issued 25 March 2014)
- Fair Deal for Staff Pensions - Guidance issued 7 October 2013

United Kingdom

The Pensions Increase (Review) Order 2014, the Guaranteed Minimum Pensions Increase Order 2014, the Social Security Revaluation of Earnings Factors Order 2014 and the Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2014 have been added to the appropriate pages.

The spreadsheet of PI multipliers and HM Treasury's note for the April 2014 Pensions Increase review have been uploaded to the Pensions Increase Review Orders page.

In addition a new page under the United Kingdom section has been created to hold information on the rate of RPI to assist with the revaluation of additional regular contribution contracts where the election was made before 1 April 2012. This information is based on data downloaded from the Office for National Statistics website.

Legislation

England and Wales

SI Reference Title

2014/525 Local Government Pension Scheme (LGPS) (Transitional Provisions, Savings and Amendment) Regulations 2014.

United Kingdom

SI Reference Title

2014/839 Public Service Pensions Act 2013 (Commencement No.4) Order 2014

2014/575 The Public Service Pensions (Employer Cost Cap) Regulations 2014

2014/668 Pensions Increase (Review) Order 2014

2014/623 The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2014

2014/515 The Guaranteed Minimum Pensions Increase Order 2014

Directions The Public Service Pensions (Valuations and Employer Cost Cap) Directions 2014

Directions The Public Service Pensions (Information about Benefits) Directions 2014

Northern Ireland

SR Reference Title

2014/81 The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (Northern Ireland) 2014

2014/75 The Guaranteed Minimum Pensions Increase Order (Northern Ireland) 2014

2014/51 The Social Security Pensions (Flat Rate Accrual Amount) Order (Northern Ireland) 2014

2014/49 The Social Security Revaluation of Earnings Factors Order (Northern Ireland) 2014

Useful Links

[LGA Pensions page](#)

[LGPS members' website](#)

[LGPS 2014 members' website](#)

[LGPS Advisory Board website](#)

[LGPS 2014 Regulations and Guidance website](#)

[LGPS Discretions](#) lists all the potential discretions available within the LGPS in England and Wales.

[LGPS Discretions](#) lists all the potential discretions available within the LGPS in Scotland.

[Qualifying Recognised Overseas Pension Schemes](#) approved by HMRC and who agreed to have their details published.

[The Timeline Regulations](#)

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Distribution sheet

Pension managers (internal) of administering authorities
Pension managers (outsourced) and administering authority client managers
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