

LGPS England & Wales

Full list of discretionary policies to be determined upon by Scheme employers, administering authorities and other parties

Introduction

Herein, contains a list of the discretionary policies in respect of the Local Government Pension Scheme (LGPS), in force as at 14 May 2018, that must (mandatory) / may (non-mandatory) be formulated, published and kept under review. Primarily these are by Scheme employers (or the administering authority where employer has become defunct), though there are a number of discretionary policies that must (mandatory) / may (non-mandatory) be maintained by administering authorities and other parties.

A summary of the key discretionary policies that apply to Scheme employers can be viewed in the [guides and sample documents pages](#) of www.lgpsregs.org. The summary also includes information on how discretionary policies apply in relation to employees in Maintained Schools with a delegated budget as well as how discretionary policies may vary for certain protected members.

This guide is divided into 11 sections covering all of the regulations that govern the LGPS in England & Wales, with the last section setting out the timescales by which a mandatory policy must be formulated, published and kept up to date.

The [index](#) of this guide sets out a summary of each set of discretionary policies under the relevant legislation and to whom they may apply, with hyperlinks to the appropriate area within the guide.

The tables herein, contain a description of each discretionary policy, the appropriate regulation number and the party responsible for maintaining the policy.

To facilitate strong governance, we would recommend that a policy is maintained in all of the areas described herein. Some of the discretionary policies are mandatory, which means that the appropriate party **must** formulate, publish and keep such policies under review. Where this is the case, the policy is **highlighted**.

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Section 1

List of discretionary policies applicable from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members), being discretions under:

- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]
- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [prefix B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]
- The Local Government Pension Scheme Regulations 1997 (as amended) [SI 1997/1612] [prefix L]

Section 2

List of discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014, being discretions under:

- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [prefix B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]
- The Local Government Pension Scheme Regulations 1997 [SI 1997/1612] (as amended) [prefix L]

Section 3

List of discretionary policies in relation to active welsh councillor members, and councillor members who ceased active membership on or after 1 April 1998, and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008, under:

- The Local Government Pension Scheme Regulations 1997 (as amended) [SI 1997/1612]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]
- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]

Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

Section 4

List of discretionary policies in relation to scheme members who ceased active membership before 1 April 1998, under

- The Local Government Pension Scheme Regulations 1995 (as amended) [SI 1995/1019]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL]
- The Local Government Pension Scheme Regulations 1997 {SI 1997/1612} (as amended) [prefix L]
- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]

Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. However, as the benefits had accrued prior to 6 April 2006, they would not generate a scheme sanction charge.

Section 5

List of discretionary policies in relation to employees of an employing authority under:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) [SI 2006/2914]

Note: For the purposes of the above regulations 'local government' means employment with an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS. The employing authority must be a body that is defined in regulation 2 of the above regulations. Although the above regulations have not been updated to reflect the 2014 Scheme, essentially an employer defined under regulation 2 is a body that is listed under the following provisions of the LGPS Regulations 2013 (excluding admitted bodies, though an admitted body may use these regulations by analogy and, if they do so, might wish to have a written policy):

- Part 1 of Schedule 2 (scheduled bodies)
- Part 2 of Schedule 2 (designate bodies)
- Part 4 of Schedule 2 of the LGPS Regulations (a person employed by a body listed in Part 4 that is deemed to be a scheduled body)

Section 6

List of discretionary policies in relation to employees of an employing authority under:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [SI 2000/1410]

Note: The list of discretions under the above regulations are in relation to compensatory added years made under those regulations and in their continuing application (i.e. not new awards made to current employees). The employing authority is a body that is a scheduled body, a designate body, or a body that is deemed to be a scheduled body under the LGPS Regulations 2013 and equivalent predecessor regulations (excluding admitted bodies, though an admitted body may use these regulations by analogy and, if they do so, might wish to have a written policy).

Section 7

List of discretionary policies each employing authority may apply in the exercise of its discretionary powers to make any award in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012, under:

- The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954]

Note: For the purposes of the above regulations 'local government' means employment with an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS. The employing authority is a body that is a scheduled body, a designate body, or a body that is deemed to be a scheduled body under the LGPS Regulations 2013 and equivalent predecessor regulations (excluding admitted bodies, though an admitted body may use these regulations by analogy and, if they do so, might wish to have a written policy).

Section 8

List of discretionary policies which relate to injury allowances, apply only in respect of leavers, deaths and reductions in pay that occurred before 16 January 2012; and which relate to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012, under:

- The Local Government (Discretionary Payments) Regulations 1996 (as amended) [SI 1996/1680]

Section 9

Discretionary policy to be maintained by the independent remuneration Panel for Wales in respect of councillor members. under:

- The Local Government (Wales) Measure 2011 [2011 *nawm* 4]

Section 10

Discretionary policy to be maintained by administering authority under:

- Regulation 2 of the Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 [SI 2011/1791]

Section 11

Formulating and publishing a mandatory policy under the:

- The 2014 Scheme Regulations ([Section 1](#) of this guide)
- the 2008 Scheme Regulations ([Section 2](#) of this guide)
- LGPS Regulations 1997 ([Section 3](#) of this guide)
- LGPS Regulations 1995 ([Section 4](#) of this guide)
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) – Regulation 7 ([Section 5](#) of this guide)
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) – Regulation 26 ([Section 6](#) of this guide)
- The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 – Regulation 14 ([Section 7](#) of this guide)
- The Local Government (Discretionary Payments) Regulations 1996 (as amended) ([Section 8](#) of this guide)
- The Local Government (Wales) Measure 2011 ([Section 9](#) of this guide)
- Regulation 2 of the Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 ([section 10](#) of this guide)

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For information concerning formulating, publishing and keeping mandatory policies up to date please see [section 11](#).

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		
Whether to issue actuarial guidance to administering authorities.	R2(3)	Secretary of State
To whom to offer membership of the LGPS (designation bodies).	R2(1B)(a) & RSch 2, Part 2	Employer
Which employees to designate for membership (admission bodies).	R2(1C), R3(1)(b) & R4(2)(b)	Employer
Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Ceare Quality Commission.	R4(2)(b)	Admin. Authority
Whether to agree to an admission agreement with a body applying to be an admission body.	R3(1A), R3(5) & RSch 2, Part 3, para 1	Admin. Authority
Whether to agree that an admission agreement may take effect on a date before the date on which it is executed.	RSch2, Part 3, para 14	Admin. Authority
Whether to approve / withdraw approval of an admission body providing a public service in the UK and the conditions for such approval / withdrawal.	RSch 2, Part 3, paras 1(e) and 2	Secretary of State
Whether to terminate a transferee an admission agreement in the event of <ul style="list-style-type: none"> - insolvency, winding up or liquidation of the body. - breach by that body of its obligations under the admission agreement. - failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so. 	RSch 2, Part 3, para 9(d)	Admin. Authority
Define what is meant by “employed in connection with”.	RSch 2, Part 3, para 12(a)	Admin. Authority
Whether, in respect of an admission body providing a service in respect of	RSch 2, Part 3, para 12(c)	Transferor employer

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
outsourced work, to set off against payments due to that body any sums due from that body to the Fund.		
Determine rate of employees' contributions.	R9(1) & R9(3)	Employer
Whether to turn down a request to pay an APC/SCAPC over a period of time where it would be impractical to allow such a request (e.g. where the sum being paid is very small and could be paid as a single payment).	R16(1)	Admin. Authority
Mandatory written policy Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.	R16(2)(e) & R16(4)(d)	Employer
Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC.	R16(10)	Admin. Authority
Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health.	R16(10)	Admin. Authority
Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).	R16(16)	Employer
Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements entered into on or after 1/4/14 (removed by virtue of the amendment made to TP15(1)(d) and the insertion of TP15(2A) by SI 2018/493).	R17(1) & definition of SCAVC in RSch 1	Employer

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		
Whether, how much, and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into before 1/4/14 (removed by virtue of the amendment made to TP15(1)(d) and the insertion of TP15(2A) by SI 2018/493)	TP15(1)(d) & A25(3)	Employer
Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds (where AVC/SCAVC arrangement was entered into before 1/4/14) (removed by virtue of the amendment made to TP15(1)(d) and the insertion of TP15(2A) by SI 2018/493)	TP15(1)(d) & A28(2)	Admin. Authority
Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 13 November 2001).	TP15(2A)(b) & L66(8) & former L66(9)(b)	Employer
Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member.	R17(12)	Admin. Authority
No right to return of contributions if where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made.	R19(2)	Employer
Specify in an employee's contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to	R20(1)(b)	Employer

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		
be pensionable.		
In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a “regular lump sum”.	R21(5)	Employer
Where in the Employer’s opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay having had regard to the level of pensionable pay received by the member in the previous 12 months.	R21(5A) & R21(5B)	Employer
Pension account may be kept in such form as is considered appropriate.	R22(3)(c)	Admin. Authority
Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment.	R22(8)(b)	Employer
Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5(1)) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment.	TP10(6)	Employer
Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment.	R22(7)(b)	Employer

Section 1		
Discretion	Regulation	Exercised by
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		
<p>Decide Where there are multiple ongoing employments, in the absence of an election from the member within 12 months of ceasing a concurrent employment, decide to which record the ongoing employment benefits from the ceased concurrent employment which has ceased should be aggregated (where there is more than one ongoing employment).</p>	TP10(9)	Admin. Authority
<p>Mandatory written policy Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).</p>	R30(6) & TP11(2)	Employer
<p>Mandatory written policy Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.</p>	R30(8)	Employer (or Admin. Authority where Employer has become defunct)
<p>Mandatory written policy Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31 March 2014 membership).</p>	R30(8)	Employer (or Admin. Authority where Employer has become defunct)
<p>Whether to require any strain on Fund costs to be paid “up front” by employing authority following payment of benefits under R30(6) (flexible retirement), R30(7) (redundancy / business efficiency), or the waiver (in whole or in part) under R30(8) of any actuarial reduction that would otherwise have been applied to benefits which a member voluntarily draws before normal pension age or to benefits drawn on flexible retirement.</p>	R68(2)	Admin. Authority

Section 1 <ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
Mandatory written policy Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	TPSch 2, para 1(2) & 1(1)(e)	Employer (or Admin. Authority where Employer has become defunct)
Mandatory written policy Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1 April 2014 and post 31 March 2014 membership) on: <ol style="list-style-type: none"> on compassionate grounds (pre 1 April 2014 membership) and in whole or in part on any grounds (post 31 March 2014 membership) if the member was not in the Scheme before 1 October 2006, on compassionate grounds (pre 1 April 2014 membership) and in whole or in part on any grounds (post 31 March 2014 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 1 April 2016 and 31 March 2020 inclusive, on compassionate grounds (pre 1 April 2016 membership) and in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 1 October 2006 and will be 60 by 31 March 2016, on compassionate grounds (pre 1 April 2020 membership) and in 	TP3(1), TPsCh 2, para 2(1), B30(5) & B30A(5)	Employer (or Admin. Authority where Employer has become defunct)

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		
whole or in part on any grounds (post 31 March 2020 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 1 April 2016 and 31 March 2020 inclusive.		
Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority “switches on” the 85 year rule for a member voluntarily retiring (other than flexible retirement) prior to age 60, or waives an actuarial reduction <u>on compassionate grounds</u> under TPSch 2, para 2(1). <u>or releases benefits before age 60 under B30(1) or B30A (removed by virtue of the amendment made to paragraph 2(3) of TPSch 2 by SI 2018/493)</u>	TPSch 2, para 2(3)	Admin. Authority
Mandatory written policy Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a. <u>on 1 April 2014 - this figure is inflation proofed annually</u>).	R31	Employer
Whether to extend the time limits within which a member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement.	R32(7)	Admin. Authority
Decide whether to <u>trivially commute a member’s small pension under section 166 of the Finance Act 2004 (includes pension credit members where the effective date of the PSO is after 31 March 2014 and the debited member</u>	R34(1)(a)	Admin. Authority

Section 1				
Discretion	Regulation	Exercised by		
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 			Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)	
had some post 31 March 2014 membership of the 2014 Scheme).				
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	R34(1)(b)	Admin. Authority		
Decide whether to pay a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and includes pension credit members where the effective date of the Pension Sharing Order is after 31 March 2014 and the debited member had some post 31 March 2014 membership of the 2014 Scheme).	R34(1)(c)	Admin. Authority		
Approve medical advisors used by employers (for ill health benefits).	R36(3)	Admin. Authority		
Whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme.	TP12(6)	Employer (or Admin. Authority where Employer has become defunct)		
Determine whether person in receipt of Tier 3 ill health pension has started gainful employment.	R37(3) & (4)	Employer		
Whether to recover any overpaid Tier 3 pension following commencement of gainful employment.	R37(3)	Employer		
Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three	R38(3)	Employer (or Admin. Authority where Employer has become defunct)		

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
years, whichever is the sooner.		
Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health.	R38(6)	Employer (or Admin. Authority where Employer has become defunct)
Decide to whom death grant is paid.	TP17(5) to (8) & R40(2), R43(2) & R46(2)	Admin. Authority
Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership.	R49(1)(c)	Admin. Authority
Whether to set up a separate admission agreement fund.	R54(1)	Admin. Authority
Determine assets to be transferred from main fund to admission agreement fund.	R54(4)(b)	Fund actuary
Mandatory written policy Governance <u>Compliance</u> Statement policy must state whether the admin authority delegates their function or part of their function in relation to maintaining a pension fund to a committee, a sub-committee or an officer of the admin authority and, if they do so delegate, state: <ul style="list-style-type: none"> - the frequency of any committee or sub-committee meetings, - the terms, structure and operational procedures appertaining to the delegation, and - whether representatives of employing authorities or members 	R55	Admin. Authority

Section 1 <ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
are included and, if so, whether they have voting rights. The policy must also state: <ul style="list-style-type: none"> - the extent to which a delegation, or the absence of a delegation, complies with Sec of State guidance and, to the extent it does not so comply, state the reasons for not complying, and - the terms, structure and operational procedures appertaining to the local Pensions Board. 		
Mandatory written policy Decide on Funding Strategy for inclusion in funding strategy statement.	R58	Admin. Authority
Whether to have a written pensions administration strategy and, if so, the matters it should include.	R59(1) & (2)	Admin. Authority
Mandatory written policy Communication policy must set out the policy on provision of information and publicity to, and communicating with, members, representatives of members, prospective members and Scheme employers; the format, frequency and method of communications; and the promotion of the Scheme to prospective members and their employers.	R61	Admin. Authority
Whether to extend valuation report and certificate deadline.	R62(2)	Secretary of State
Decide assumptions to be used in making a “cost sharing” valuation under R63. Regulations 63 and 65 were revoked from the scheme with effect	R63(5)	Secretary of State

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
from 1 April 2015. The provisions were replaced with those in sections 11 to 13 of the Public Service Pensions Act 2013.		
Whether to extend the period beyond 3 months from the date an Employer ceases to be a Scheme Employer, by which to pay an exit credit.	R64(2ZA)	Admin. Authority (with agreement of Employer)
Whether to suspend (by way of issuing a suspension notice), for up to 3 years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension.	R64(2A)	Admin. Authority
Whether to obtain revision of employer's contribution rate if there are circumstances which make it likely a Scheme employer will become an exiting employer.	R64(4)	Admin. Authority
Decide whether to obtain a new rates and adjustments certificate if the Secretary of State amends the Regulations as part of the "cost sharing" under R63. Regulations 63 and 65 were revoked from the scheme with effect from 1 April 2015. The provisions were replaced with those in sections 11 to 13 of the Public Service Pensions Act 2013.	R65	Admin. Authority
Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.	R69(1)	Admin. Authority
Decide form and frequency of information to accompany payments to the Fund.	R69(4)	Admin. Authority
Whether to issue employer with notice to recover additional costs incurred as a	R70 & TP22(2)	Admin. Authority

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
result of the employer's level of performance.		
Whether to charge interest on payments by employers which are overdue.	R71(1)	Admin. Authority
Whether to extend six month period to lodge a stage one IDRPs appeal.	R74(4)	Adjudicator making stage one IDRPs decision
Decide procedure to be followed by adjudicator when exercising stage one IDRPs functions and decide the manner in which those functions are to be exercised.	R74(6)	Adjudicator making stage one IDRPs decision
Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised.	R76(4)	Admin. Authority
Whether admin istering authority should appeal against employer decision (or lack of a decision).	R79(2)	Admin. Authority
Whether to extend six month period for admin istering authority to lodge an appeal against an employer decision.	R79(3)(b)	Secretary of State
Specify information to be supplied by employers to enable admin istering authority to discharge its functions.	R80(1)(b) & TP22(1)	Admin. Authority
Whether to pay death grant the whole or part of the amount that is due to the personnel representatives (including anything due to the deceased member at the date of death) to: to <ul style="list-style-type: none"> the personal representatives, or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of	R82(2)	Admin. Authority

Section 1		Discretion	Regulation	Exercised by
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 				
		the Administration of Estates (Small Payments) Act 1965.		
		Whether, where a person is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.	R83	Admin. Authority
		Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)).	R91(1) & (8)	Employer
		Whether to issue a forfeiture certificate	R91(1)	Secretary of State
		Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below).	R91(4)	Employer
		Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	R92(1) & (2)	Employer
		Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APCs or AVCs or, subject to R95 below, in respect of any GMP) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment.	R93(2)	Employer

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	Exercised by
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		
Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement.	R95	Employer
Agree to bulk transfer payment.	R98(1)(b)	Employer / Admin. Authority / trustees of new scheme
Agree to set aside of bulk transfer assets / cash and acquisition of rights in new scheme.	R98(4)(a)	Fund actuary / new scheme actuary
Determine amount of, and adjustments to, bulk transfer payment.	R99(1) & (2)	Fund actuary
Determine who should bear bulk transfer actuarial costs (where more than one employing authority is involved in the transfer).	R99(5)	Fund actuary
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.	R100(6)	Employer and Admin. Authority
Allow transfer of pension rights into the Fund.	R100(7)	Admin. authority
Agree bulk inter fund adjustment terms (where 10 or more members affected by a single event).	R103(3)	Actuaries for both Funds
Where member to whom B10 applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member.	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B10(2)	Admin. Authority
Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31 st March in	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) &	Employer

Section 1		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)
Discretion	Regulation	
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		
the 10 years prior to leaving.	B11(2)	
Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay cuts / restrictions occurring pre 1 April 2008-4-08).	TP3(1)(a), TSch 1, L23(4)	Employer
Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1 April 2008-4-08).	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & TSch 1 & L23(9)	Admin. authority
Decide to treat child (<u>who has not reached the age of 23</u>) as being in continuous full-time education or vocational training despite a break.	RSch 1 & TP17(9)(a)	Admin. Authority
Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.	RSch 1 & TP17(9)(b)	Admin. Authority
Decide appropriate Fund if employer applies to be moved to a different Fund.	RSch 3, Part 2, para 3	Secretary of State
Mandatory written policy Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment.	TP3(13) & A70(1) & A71(4)(c)	Admin. Authority
Extend time period for capitalisation of added years contract.	TP15(1)(c) & TSch1 & L83(5)	Admin. Authority
Decide whether to delegate any Secretary of State functions under the Regulations.	R105(1)	Secretary of State
Decide whether to delegate any administering authority functions under the Regulations.	R105(2)	Admin. Authority
Decide whether to establish a joint local	R106(3)	Admin. Authority

Section 1		Discretion	Regulation	Exercised by
<ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 				
		Discretion	Regulation	Exercised by
		pension _s board (if approval has been granted by the Secretary of State).		
		Decide whether to withdraw approval for establishment of a joint local pension _s board.	R106(5)	Secretary of State
		Decide procedures applicable to the local pension _s board.	R106(6)	Admin. Authority
		Decide appointment procedures, terms of appointment and membership of local pension board.	R107(1)	Admin. Authority
		Decide procedures applicable to the Scheme Advisory Board.	R110(4)	Scheme Advisory Board
		Decide whether to appoint up to 3 non-voting members to the Scheme Advisory Board.	R111(4)	Scheme Advisory Board
		Decide whether to appoint non-board members to sub-committees of the Scheme Advisory Board.	R111(6)	Scheme Advisory Board
		Decide whether to make recommendations to the Secretary of State for changes to the scheme to keep cost of scheme within the target cost.	R116(2) and (3)	Scheme Advisory Board

For information concerning formulating, publishing and keeping mandatory policies up to date please see [section 11](#).

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Section 2		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014
Discretion	Regulation	
<ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 		
Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31 st March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30 September 2014.	B12*	Employer
Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds. This discretion only applied to a member who left active membership with immediate entitlement to payment, and who took immediate payment of their benefits at that same time, prior to 1 April 2014. Hence this discretion is spent entirely after 31 March 2014.	A28(2)	Admin. Authority
Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership.	TSch1 & L66(8) & former L66(9)(b)	Employer
Extend time period for capitalisation of added years contract where the member leaves his employment by reason of redundancy.	TR15(1)(c) & TSch1 & L83(5)	Admin. Authority
No right to return of contributions where member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made	A47(2)	Employer

Section 2		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014
Discretion	Regulation	
<ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 		
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.	A45(3)	Admin. Authority
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund. <u>Under revoked regulation 52(1) of the OPS (Contracting-out) Regulations 1996 [SI 1996/1172] and regulation 12 of the OPS (Schemes that were Contracted-out) (No.2) Regulations a CEP must have been paid to the commissioner within 6 months after the date of termination of contracted-out employment, or one month after the Commissioner's notifies the administering authority that a CEP is payable. Following the end of the contracted-out reconciliation exercise, this discretionary policy should be spent entirely as all premiums will have been paid and no further notifications will be issued by the commissioners.</u>	A49(1) & (2)	Employer
<p><u>Can Whether to pay the whole or part of the amount that is due to the personnel representatives (including anything due to the deceased member at the date of death) to: death grant due to</u></p> <ul style="list-style-type: none"> • personal representatives, or • anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration <u>where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965.</u> 	A52(2)	Admin. Authority
Approve medical advisors used by	A56(2)	Admin. Authority

Section 2 <ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014
Discretion	Regulation	Exercised by
employers (for early payment, on grounds of ill health, of a deferred benefit or a suspended Tier 3 ill health pension).		
Whether to extend six month period to lodge a stage one IDRPs appeal.	A58(7)(b) TP23 & R74(4)	Adjudicator making stage one IDRPs decision Person making stage one IDRPs decision
Decide procedure to be followed by adjudicator when exercising stage one IDRPs functions and decide the manner in which those functions are to be exercised.	TP23 & R74(6)	Adjudicator making stage one IDRPs decision
Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised.	A60(8) TP23 & R76(4)	Admin. Authority
Whether admin istering authority should appeal against employer decision (or lack of a decision).	A63(2) TP23 & R79(2)	Admin. Authority
Whether to extend six month period for admin istering authority to lodge an appeal against an employer decision.	TP23 & R79(3)(b) A63(3)(b)	Secretary of State
Specify information to be supplied by employers to enable admin istering authority to discharge its functions.	TP23 & TP22(1) & R80(1)(b) A64(1)(b)	Admin. Authority
Mandatory written policy Decide policy on abatement of pensions following re-employment.	TP3(13) & A70(1) & A71(4)(c) & T12	Admin. Authority
Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence) (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because	A72(1) & (6)	Employer

Section 2		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014
<ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 		
Discretion	Regulation	Exercised by
of which the member left the employment).		
Whether to issue a forfeiture certificate.	A72(1)	Secretary of State
Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited.	A72(3)	Employer
Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	A73(1) & (2)	Employer
Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment.	A74(2)	Employer
Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left employment because of that fraudulent offence or grave misconduct), or amount of refund if less.	A76(2) & (3)	Employer
Where member to whom B10 applies (use of average of 3 years pay within the period of 13 years ending with the last day of active membership for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member.	B10(2)	Admin. Authority
Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31st March in	B11(2)	Employer

Section 2 <ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014
Discretion	Regulation	Exercised by
the 10 years prior to leaving		
Whether to pay the whole or part of a child's pension to another person for the benefit of that child.	B27(5)	Admin. Authority
Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.	A52A	Admin. Authority
Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60. The requirement for a member aged between 55 and 60 to obtain consent for early payment of pension was removed by virtue of TP3(5A)(c). Hence this discretion is entirely spent from 14 May 2018.	B30(2)*	Employer (or Admin. Authority where Employer has become defunct)
Mandatory written policy Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 50.	TPSch 2, para 1(2) & 1(1)(c)	Employer (or Admin. Authority where Employer has become defunct)
Mandatory written policy Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member).	B30(5), TPSch 2, para 2(1)	Employer (or Admin. Authority where Employer has become defunct)
Mandatory written policy Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60. Revoked by TP3(5A)(c) with effect from 14 May 2018.	B30A(3)	Employer (or Admin. Authority where Employer has become defunct)
Mandatory written policy Whether to "switch on" the 85 year	TPSch 2, para 1(2) & 1(1)(c)	Employer (or Admin. Authority where

Section 2 <ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014
Discretion	Regulation	Exercised by
rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 50.		Employer has become defunct
Mandatory written policy Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits).	B30A(5) TPSch 2, para 2(1)	Employer (or Admin. Authority where Employer has become defunct)
Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority “switches on” the 85 year rule for a member voluntarily retiring prior to age 60, or waives an actuarial reduction on compassionate grounds under TPsch 2, para 2(1).	TPSch 2, para 2(3)	Admin. Authority
Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.	B31(4)	Employer (or Admin. Authority where Employer has become defunct)
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	B31(7)	Employer (or Admin. Authority where Employer has become defunct)
Decide to whom death grant is paid.	B23(2) & B32(2) & B35(2) & TSch1 & L155(4)	Admin. Authority
Decide evidence required to determine financial dependence of co- habiteecohabiting partner on scheme member or financial interdependence of co- habiteecohabiting partner and scheme member.	RSch1 & TP17(9)(b)	Admin. Authority
Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational	RSch 1 & TP 17(9) (a)	Admin. Authority

Section 2		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014
Discretion	Regulation	
<ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 		
training despite a break.		
Decide whether to trivially commute a member's small pension under section 166 of the Finance Act 2004	B39(1)(a) & T14(3)	Admin. Authority
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	R39(1)(b)	Admin. Authority
Decide whether to pay a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and pension credit members).	R39(1)(c)	Admin. Authority
Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership.	B42(1)(c)	Admin. Authority
Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1 April 2008 4.08.)	TSch 1 & L23(9)	Admin. authority

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<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
Allow a councillor who has opted out more than once to rejoin.	7(9)(a)	Employer
Frequency of payment of councillors' contributions.	12(5)	Admin. Authority
Extend normal 12 month period following end of relevant reserve forces leave for a "Cancelling notice" to be submitted by a councillor member requesting that the service should not be treated as relevant reserve forces service.	17(4),(7),(8), & 89(4) & Sch 1	Admin. Authority
Allow a late application by a councillor member to pay optional contributions for a period of absence.	18(6) & (7)	Employer
Allow post 31.3.98. / pre 1.4.08. non-councillor leaver to select final pay period for fees to be a period of not less than 3 or more than 5 years back from date of leaving [Note: to all intents and purposes this discretion is now spent]	22(1)(b)	Employer
Select appropriate final pay period for deceased non-councillor member (leavers post 31.3.98. / pre 1.4.08.) [Note: to all intents and purposes this discretion is now spent]	22(7)	Admin. Authority
Make election on behalf of deceased non-councillor member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1.4.08.) [Note:	23(9)	Admin. authority

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
<p>to all intents and purposes this discretion is now spent]</p>		
<p>Mandatory written policy Grant application from a post 31.3.98- / pre-1.4.08. leaver or from a councillor for early payment of deferred benefits on or after age 50 /55 and before age 60-55 (see Note below)</p>	31(2)	Employer
<p>Mandatory written policy Whether to "switch on" the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60. Note: TPSch 2, para 2(2) does not reference para 1(1)(f) so strictly speaking there is no requirement to publish a policy under this regulation or R60. However, we understand that this is simply a regulatory omission and the appropriate party should publish a policy accordingly.</p>	<p>TPSch 2, para 1(2) & 1(1)(f) and R60</p>	<p>Employer (or Admin. Authority where Employer has become defunct)</p>
<p>Mandatory written policy Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early for a post 31.3.98- / pre-1.4.08. leaver or a councillor leaver.</p>	31(5) & <u>TPSch 2, para 2(1)</u>	<p><u>Employer (or Admin. Authority where Employer has become defunct)</u></p>
<p>Mandatory written policy Councillor optants out and pre-1 April 2008 employee optants out only to get benefits paid from NRD if employer agrees.</p>	31(7A)	Employer
<p>Whether to extend 12 month period for</p>	32(8A)	Employer

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
aggregation of deferred benefits (where deferred councillor member wishes to aggregate with current councillor membership in the same Fund).		
Decide, in the absence from a post 31.3.98. / pre 1.4.08. leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership.	34(1)(b)	Employer
Decide to whom death grant is paid. in respect of councillor members and post 31.3.98. / pre 1.4.08. leavers	38(1) & 155(4)	Admin. Authority
Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break. (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	Reg 17(9) of the LGPS (Transitional Provisions, Savings and Amendment) Regs 2014 and definition in Sch 1 of the LGPS Regulations 2013 TP17(9)(a) & RSch 1	Admin. Authority
Apportionment of children's pension amongst eligible children. (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	47(1)	Admin. Authority
Pay child's pension to another person for	47(2)	Admin. Authority

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
<p>the benefit of the child (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)</p>		
<p>Agree <u>Decide whether to trivially commute a of small member's pension under section 166 of the Finance Act 2004 (includes pre 1 April 2008.4.08. leavers or pre 1.4.08. Pension Credit members where the effective date of the Pension Sharing Order was pre 1 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme)</u></p>	<p>49(1) & T14(3) 456</p>	<p>Admin. Authority</p>
<p><u>Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.</u></p>	<p>49(1)</p>	<p><u>Admin. Authority</u></p>
<p><u>Decide whether to cCommute benefits due to exceptional ill-health (including councillor members, pre 1.4.08. leavers and pre 1.4.08. Pension Credit members where the effective date of the Pension Sharing Order was pre 1 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme).</u></p>	<p>50 and 157</p>	<p>Admin. Authority</p>
<p>Whether acceptance of AVC election is subject to a minimum payment (councillors only).</p>	<p>60(5)</p>	<p>Admin. Authority</p>
<p>Consent to a member's former employer</p>	<p>71(7)(a)</p>	<p>Employer</p>

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
<p>assigning to the new employer rights under any SCAVC life assurance policy (pre 1.4.08. non-councillor leavers)</p>		
<p>Whether to require any strain on Fund costs to be paid “up front” by employing authority following early voluntary retirement of a councillor (i.e. after age 50/55 and before age 60), or early payment of a deferred benefit on health grounds or from age 50 <u>and prior to age 55</u> with employer consent. (pre 1.4.08. leavers)— (see Note below)</p>	80(5)	Admin. Authority
<p><u>Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority “switches on” the 85 year rule for a member voluntarily retiring on or after age 55 and prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch 2, para 2(1).</u></p>	<u>TPSch 2, para 2(3)</u>	<u>Admin. Authority</u>
<p>Frequency of employer’s payments to the fund (in respect of councillor members).</p>	81(1)	Admin. Authority
<p>Form and frequency of information to accompany payments to the Fund (in respect of councillor members).</p>	81(5)	Admin. Authority
<p><u>Whether to charge interest on payments by employers overdue by more than 1 month (in respect of councillor members).</u></p>	82(1)	Admin. Authority
<p>No right to return of contributions <u>where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a</u></p>	88(2)	Employer

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
total or partial refund is to be made. (councillors and pre 1.4.08. leavers)		
Employer may deduct contributions from a councillor's pay or reserve forces pay.	89(1) & (2)	Employer
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits. (councillors and pre 1.4.08. leavers)	89(3)	Admin. Authority
Timing of pension increase payments by employers to fund. (pre 1.4.08. leavers)	91(6)	Admin. Authority
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor leavers and pre 1.4.08. leavers) . <u>Under revoked regulation 52(1) of the OPS (Contracting-out) Regulations 1996 [SI 1996/1172] and regulation 12 of the OPS (Schemes that were Contracted-out) (No.2) Regulations a CEP must have been paid to the commissioner within 6 months after the date of termination of contracted-out employment, or one month after the Commissioner's notifies the administering authority that a CEP is payable. Following the end of the contracted-out reconciliation exercise, this discretionary policy should be spent entirely as all premiums will have been paid and no further notifications will be issued by the commissioners.</u>	92	Employer
Pay death <u>Whether to pay the whole or</u>	95	Admin. Authority

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
<p>part of the amount that is due to the personnel representatives (including anything due to the deceased member at the date of death) to: -grant due to</p> <ul style="list-style-type: none"> • personal representatives, or • anyone appearing to be beneficially entitled to the estate <p>without need for grant of probate / letters of administration (death of councillor or pre 1.4.08. leaver) where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965.</p>		
<p>Approve medical advisors used by employers (re ill health benefits for councillors and re pre 1.4.08. preserved benefits payable on health grounds).</p>	97(10)	Admin. Authority
<p>Whether to extend six month period to lodge a stage one IDRPs appeal.</p>	TP23 & R74(4)	Adjudicator making stage one IDRPs decision
<p>Decide procedure to be followed by adjudicator when exercising stage one IDRPs functions and decide the manner in which those functions are to be exercised.</p>	TP23 & R74(6)	Adjudicator making stage one IDRPs decision
<p>Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised (councillors and pre 1.4.08. leavers).</p>	TP23 & R76(4) ⁹⁹	Admin. Authority
<p>Whether administering authority should appeal against employer decision, or</p>	TP23 & R79(2) ¹⁰⁵⁽¹⁾	Admin. Authority

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
<p>lack of a decision) (councillors and pre 1.4.08. leavers).</p>		
<p><u>Whether to eExtend 6 month period for an administering authority to lodge an appeal period under regulation 405 against an employer decision.</u></p>	<p><u>TP23 & R79(3)(b)405(2)</u></p>	<p>Secretary of State</p>
<p><u>Specify information to be supplied by employers to enable administering authority to discharge its functions.</u></p>	<p><u>TP23 & TP22(1) & R80(1)(b)</u></p>	<p><u>Admin. Authority</u></p>
<p>Date to which benefits shown on annual deferred benefit statement are calculated.</p>	<p>106A(5)</p>	<p>Admin. Authority</p>
<p>Mandatory written policy Abatement of pensions following re-employment. (councillors and pre 1.4.08. leavers).</p>	<p>409 & 440(4)(b)TP3(13), A70(1) & A71(4)(c)</p>	<p>Admin. Authority</p>
<p>Forfeiture of pension rights on issue of Secretary of State's certificate <u>following a relevant offence</u> (councillors and pre 1.4.08. leavers)<u>(a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment).</u></p>	<p>111(2) & (5)</p>	<p>Employer</p>
<p>Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits. (councillors and pre 1.4.08. leavers).</p>	<p>112(1)</p>	<p>Employer</p>
<p>Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights)</p>	<p>113(2)</p>	<p>Employer</p>

<p>Section 3</p> <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to:</p> <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Discretion	Regulation	Exercised by
(councillors and pre 1.4.08. leavers).		
Recovery from Fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.4.08. leavers).	115(2) & (3)	Employer
Retention of Contributions Equivalent Premium (CEP) where member transfers out (councillors and pre 1.4.08. leavers).	118	Admin. Authority
Discharge Pension Credit liability (in respect of Pension Sharing Orders for councillors and pre 1.4.08. Pension Sharing Orders for non-councillor members).	147	Admin. Authority

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<p>Section 4</p> <ul style="list-style-type: none"> • LGPS Regulation 1995 [SI 1995/1019] • The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL] • The Local Government Pension Scheme Regulations 1997 {SI 1997/1612} (as amended) [prefix L] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to scheme members who ceased active membership before 1 April 1998</p>	
<p>Discretion</p>	<p>Regulation</p>	<p>Exercised by</p>
<p><u>Mandatory written policy</u> Grant application from a pre-1.4.98. leaver for early payment of deferred benefits on or after age 50 on compassionate grounds. <u>(see Note below) – Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11(2)(c), there intention was that it should apply to this regulation.</u></p>	<p><u>TL4 & L106(1) & D11(2)(c)</u></p>	<p>Employer</p>
<p>Decide, in the absence from a pre 1.4.98. leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership.</p>	<p>D10</p>	<p>Employer</p>
<p>Decide to whom death grant is paid. in respect of pre 1.4.98. retirees / pre 1.4.98. deferreds</p>	<p>E8</p>	<p>Admin. Authority</p>
<p>Whether to pay spouse's pensions for life for pre 1.4.98 retirees / pre 1.4.98 deferreds who die on or after 1.4.98. (rather than ceasing during any period of remarriage or co-habitation).</p>	<p>F7</p>	<p>Admin. Authority</p>
<p>Decide to treat child <u>(who has not yet reached the age of 23)</u> as being in continuous education or vocational training despite a break <u>(children of pre 1.4.98. retirees / pre 1.4.98. deferreds).</u></p>	<p><u>Reg 17(9) of the LGPS (Transitional Provisions, Savings and Amendment) Regs 2014 and definition in Sch 1 of the LGPS</u></p>	<p>Admin. Authority</p>

<p>Section 4</p> <ul style="list-style-type: none"> • LGPS Regulation 1995 [SI 1995/1019] • The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL] • The Local Government Pension Scheme Regulations 1997 {SI 1997/1612] (as amended) [prefix L] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 	<p>Discretionary policies in relation to scheme members who ceased active membership before 1 April 1998</p>	
Discretion	Regulation	Exercised by
	Regulations 2013 TP17(9)(a) & RSch 1	
Apportionment of children's pension amongst eligible children (children of pre 1.4.98. retirees / pre 1.4.98. deferreds).	G11(1)	Admin. Authority
Pay child's pension to another person for the benefit of the child (children of pre 1.4.98. retirees / pre 1.4.98. deferreds).	G11(2)	Admin. Authority
Mandatory written policy Abatement of pensions following re-employment.	(TP3(13), A70(1) & A71(4)(c))	Admin. Authority
Whether to extend six month period to lodge a stage one IDRPs appeal.	TP23 & R74(4)	Adjudicator making stage one IDRPs decision
Decide procedure to be followed by adjudicator when exercising stage one IDRPs functions and decide the manner in which those functions are to be exercised.	TP23 & R74(6)	Adjudicator making stage one IDRPs decision
Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised	TP23 & R76(4)	Admin. Authority
Whether administering authority should appeal against employer decision (or lack of a decision)	TP23 & R79(2)	Admin. Authority
Whether to extend 6 month period for an administering authority to lodge an appeal against an employer decision.	TP23 & R79(3)(b)	Secretary of State
Specify information to be supplied by employers to enable administering authority to discharge its functions.	TP23 & TP22(1) & R80(1)(b)	Admin. Authority

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<p>Section 5</p> <ul style="list-style-type: none"> The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) [SI 2006/2914] 	<p>Discretionary policies in relation to employees of an employing authority that is defined under regulation 2 of The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)</p>	
<p>Discretion</p>	<p>Regulation</p>	<p>Exercised by</p>
<p>Mandatory written policy To base redundancy payments on an actual week's pay where this exceeds the statutory week's pay limit.</p>	<p>5</p>	<p>Employer</p>
<p>Mandatory written policy To award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.</p>	<p>6</p>	<p>Employer</p>
<p>To award compensatory added years to a person aged 50 or over with 5 or more years membership (or notional membership) of the LGPS in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment which occurred after 30th September 2006 and before 1st April 2007 (but only if employment had commenced pre 1st October 2006) [Note: to all intents and purposes this discretion is now spent]</p>	<p>11(2)</p>	<p>Employer</p>

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<p>Section 6</p> <ul style="list-style-type: none"> The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [SI 2000/1410] 	<p>Discretionary policies in relation to former employees of an employing authority that is a body that is a scheduled body, a designate body, or a body that is deemed to be a scheduled body under the LGPS Regulations 2013 and equivalent predecessor regulations (excluding admitted bodies).</p>	
Discretion	Regulation	Exercised by
<p>Mandatory written policy How to apportion any surviving spouse's or civil partner's annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner.</p>	21(4)	Employer
<p>Mandatory written policy How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children.</p>	25(2)	Employer
<p>Mandatory written policy Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid.</p>	21(7)	Employer
<p>Mandatory written policy If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.</p>	21(5)	Employer
<p>Mandatory written policy Whether, in respect of the spouse or</p>	21(7)	Employer

<p>Section 6</p> <ul style="list-style-type: none"> • The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [SI 2000/1410] 	<p>Discretionary policies in relation to former employees of an employing authority that is a body that is a scheduled body, a designate body, or a body that is deemed to be a scheduled body under the LGPS Regulations 2013 and equivalent predecessor regulations (excluding admitted bodies).</p>	
Discretion	Regulation	Exercised by
<p>civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or cohabitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them.</p>		
<p>Mandatory written policy Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government.</p>	17	Employer
<p>Mandatory written policy How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government</p>	19	Employer
<p>Agree to pay annual compensation on behalf of employer and recharge payments to employer.</p>	31(2)	Admin. Authority

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Section 7 <ul style="list-style-type: none"> The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954] 		Discretionary policies each employing authority may apply in the exercise of its discretionary powers to make any award in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012
Discretion	Regulation	Exercised by
Mandatory written policy Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	3(1)	Employer
Mandatory written policy Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	3(4) and 8	Employer
Mandatory written policy Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1) (<u>reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</u>).	3(2)	Employer
Mandatory written policy Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	4(1)	Employer
Mandatory written policy Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	4(3) and 8	Employer
Mandatory written policy Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1) (<u>loss of employment through permanent incapacity</u>).	4(2)	Employer

Section 7		Discretionary policies each employing authority may apply in the exercise of its discretionary powers to make any award in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012
<ul style="list-style-type: none"> The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954] 		
Discretion	Regulation	Exercised by
Mandatory written policy Whether to suspend or discontinue injury allowance awarded under regulation 4(1) (<u>loss of employment through permanent incapacity</u>) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.	4(5)	Employer
Mandatory written policy Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment (<u>reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job</u>) was being made at date of cessation of employment but regulation 4 (<u>loss of employment through permanent incapacity</u>) does not apply.	6(1)	Employer
Mandatory written policy Determine amount of any injury allowance to be paid under regulation 6(1) (<u>payment of injury allowance following the cessation of employment</u>).	6(1)	Employer
Mandatory written policy Determine whether and when to cease payment of an injury allowance payable under regulation 6(1) (<u>payment of injury allowance following the cessation of employment</u>).	6(2)	Employer
Mandatory written policy Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner (<u>the requirement to nominate a co-habiting partner has ceased entirely under these regulations due to the outcome of the Elmes v Essex high court judgement</u>) or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of	7(1)	Employer

Section 7 <ul style="list-style-type: none"> The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954] 	Discretionary policies each employing authority may apply in the exercise of its discretionary powers to make any award in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012	
Discretion	Regulation	Exercised by
carrying out duties of the job.		
Mandatory written policy Determine amount of any injury allowance to be paid <u>to the spouse, civil partner, nominated co-habiting partner (for awards made on or after 1 April 2008 the requirement to nominate a co-habiting partner has ceased due to the outcome of the Elmes v Essex high court judgement) or dependent of an employee under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).</u>	7(2) and 8	Employer
Mandatory written policy Determine whether and when to cease payment of an injury allowance payable under regulation 7(1) <u>(employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).</u>	7(3)	Employer

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<p>Section 8</p> <ul style="list-style-type: none"> The Local Government (Discretionary Payments) Regulations 1996 (as amended) [SI 1996/1680] 	<p>Discretionary policies which relate to injury allowances, apply only in respect of leavers, deaths and reductions in pay that occurred before 16 January 2012; and which relate to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012.</p>	
Discretion	Regulation	Exercised by
<p>Amount of injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job. This award must have been made in relation to an employment that terminated prior to 16 January 2012, and thus is spent entirely as any future such awards would be under SI 2011/2954.</p>	<p>34(2) and 38</p>	<p>Employer</p>
<p>Suspend or discontinue injury allowance if person becomes capable of working again.</p>	<p>34(4)</p>	<p>Employer</p>
<p>Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.</p>	<p>35(3) and 38</p>	<p>Employer</p>
<p>Amount and duration of injury allowance following cessation of employment where regulation 35 payment (injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job) was being made but regulation 34 (injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job) does not apply.</p>	<p>36</p>	<p>Employer</p>
<p>Amount and duration of a dependant's, spouse's or civil partner's injury allowance following death of employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.</p>	<p>37(3), 37(6) and 38</p>	<p>Employer</p>
<p>Reinstate spouse's or civil partner's injury</p>	<p>37(4)</p>	<p>Employer</p>

Section 8 <ul style="list-style-type: none"> The Local Government (Discretionary Payments) Regulations 1996 (as amended) [SI 1996/1680] 	Discretionary policies which relate to injury allowances, apply only in respect of leavers, deaths and reductions in pay that occurred before 16 January 2012; and which relate to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012.	
Discretion	Regulation	Exercised by
allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership.		
Amount of death in service gratuity payable to surviving dependant, spouse or civil partner. This award must have been made in relation to an employment where the individual died prior to 16 January 2012 and thus is spent entirely.	40	Employer
Amount of retirement gratuity payable This award must have been made in relation to an employment that terminated prior to 16 January 2012 and thus is spent entirely.	41	Employer
Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of annuity payments fall short of their capital value at date of award.	41(4)	Employer
Amount if redundancy gratuity payable This award must have been made in relation to an employment that terminated prior to 16 January 2012 and thus is spent entirely.	42	Employer
Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of redundancy annuity payments fall short of their capital value at date of award.	42(4)	Employer
Amount of gratuity payable to any other surviving dependant, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award.	42(7)	Employer
Formulate and keep under review the injury allowance and gratuity policies to be operated by the authority.	46A	Employer

For information concerning formulating, publishing and keeping mandatory policies up to date please see [section 11](#).

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For information concerning formulating, publishing and keeping mandatory policies up to date please see [section 11](#).

Section 9 • The Local Government (Wales) Measure 2011 (2011 <i>nawm</i> 4)	Discretionary policy to be maintained by the independent remuneration Panel for Wales in respect of councillor members.	
Discretion	Section	Exercised by
<p>Decide the descriptions of members (other than co-opted members) to or in respect of whom a relevant authority will be required to pay a pension (a “relevant pension”) and decide the relevant matters in respect of which a relevant authority will be required to pay a relevant pension.</p> <p>The Panel may make different decisions in relation to authorities of different descriptions or different authorities of the same description.</p> <p>An authority is a “relevant authority” if it comes within one of the following descriptions—</p> <p>(a) a local authority;</p> <p>(b) a community council;</p> <p>(c) a National Park authority (established under section 63 of the Environment Act 1995) for a National Park in Wales; and</p> <p>(d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.</p> <p>“Member”, in relation to a relevant authority, includes—</p> <p>(a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000), and</p> <p>(b) an elected executive member of the authority (within the meaning of section 39(4) of that Act).</p>	<p>143</p>	<p>Independent Remuneration Panel for Wales</p>

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<ul style="list-style-type: none"> The Local Authorities (Members' Allowances) (England) Regulations 2003 [SI 2003/1021] 	Discretionary policy to be maintained by the relevant authority in respect of councillor members.	
Discretion	Regulation	Exercised by
Scheme of allowances made by a district council, county council or London borough council must specify which members will be eligible to join the LGPS and whether the basic and / or special responsibility allowances will be pensionable. An authority may only include someone who has first been recommended by the independent remuneration panel.	44	Relevant Authority

For information concerning formulating, publishing and keeping mandatory policies up to date please see [section 11](#).

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<p>Section 10 <ul style="list-style-type: none"> The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 [SI 2011/1791] </p>	<p>Discretionary policy to be maintained by administering authority</p>	
<p>Discretion</p>	<p>Regulation</p>	<p>Exercised by</p>
<p>To decide whether it is legally able to offer voluntary scheme pays (to determine legality see paragraph 223 onwards of the Annual Allowance guide published under the 'Guides and sample documents' page of www.lgpsregs.org); and, if so, to decide the circumstances (if any) upon which it would do so.</p>	<p>2</p>	<p>Administering authority</p>

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Section 11 - Formulating and publishing a mandatory policy		
Regulations under which the mandatory policy is defined:	Employer mandatory policies (or administering authority where employer has become defunct)	Administering authority mandatory policies
<p>The 2014 Scheme Regulations – R60 & TPSch2, para 2(2) (Section 1 of this guide)</p>	<p>Under these regulations, the employer must formulate, publish and keep under review a statement of their policy. A copy of the policy must be sent to the relevant administering authority. If the employer decides to amend the policy, they must send a copy to the relevant administering authority within one month of the date of the decision to amend the policy. In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.</p>	<p>Under these regulations the administering authority must formulate, publish and keep under review a:</p> <ul style="list-style-type: none"> • Governance Compliance Statement (R55) having consulted such persons as it considers appropriate. The statement should include as to whether or not the Authority delegates any of its functions to a committee, sub-committee or an officer of an authority. Where this is the case, the statement should include the terms, structure and operational procedures of the delegation, frequency of any committee or sub-committee meetings, whether the committee or sub-committee includes representative of Scheme employers or members and whether those members have voting rights. The statement must also include the extent to which a delegation, or the absence of a delegation, complies with guidance given by the Secretary of State and, to the extent that it does not so comply, the reasons for not complying and details of the terms, structure and operational procedures relating to the local pension board established under regulation 106 (local pension boards: establishment). • Funding Strategy Statement (R58) (by 31 March 2015) having consulted such persons as it considers appropriate and having had regard to the CIPFA guidance published in October 2012 (and any later

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Regulations under which the mandatory policy is defined:	Employer mandatory policies (or administering authority where employer has become defunct)	Administering authority mandatory policies
		<p>versions of such guidance) called “Preparing and Maintaining a Funding Strategy Statement in the LGPS” and the current version of the investment strategy under regulation 7 (Investment Strategy Statement) of the LGPS (Management and Investment of Funds) Regulations 2016.</p> <ul style="list-style-type: none"> • Communications policy (R61) setting out its policy concerning communications with members, representatives of members, prospective members and Scheme employers. The statement must set out the policy on the provision of information and publicity about the Scheme to members, representatives of members and Scheme employers, the format, frequency and method of distributing such information or publicity and the promotion of the Scheme to prospective members and their employers. • Abatement policy (TP3(13), A70(1) & A71(4)(c)) setting out its policy concerning the final salary element of a member’s pension following their re-employment. In formulating and reviewing its policy an administering authority is required by the Regulations to have regard to the level of potential financial gain at which it wishes abatement to apply, to the administrative costs which are likely to be incurred as a result of abatement in the different circumstances in which it may occur, and the extent

Section 11 - Formulating and publishing a mandatory policy		
Regulations under which the mandatory policy is defined:	Employer mandatory policies (or administering authority where employer has become defunct)	Administering authority mandatory policies
		<p>to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.</p> <p>The administering authority must make such revisions as are appropriate following a material change to the information contained within the statement/policy and publish the revised statement accordingly. Where the revision concerns the abatement policy these must be published within one month of the date of determination.</p>
The 2008 Scheme Regulations - A66 (Section 2 of this guide)		<p>Abatement policy (TP3(13), A70(1), A71(4)(c) & T12) Under these regulations the administering authority must formulate, publish and keep under review a statement of their policy following a member's re-employment. If the administering authority decides to amend the policy, they must publish the amended policy within one month of the date of the determination. In formulating and reviewing its policy an administering authority is required by the Regulations to have regard to the level of potential financial gain at which it wishes abatement to apply, to the administrative costs which are likely to be incurred as a result of abatement in the different circumstances in which it may occur, and the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.</p>
LGPS Regulations 1997 – regulation 106 (Section 3 of this guide)		
LGPS Regulations 1995 – regulation 106 of the LGPS Regulations 1997 by virtue of regulation 4 of the LGPS (Transitional Provisions) Regulations 1997 - (Section 4 of this guide)		

Section 11 - Formulating and publishing a mandatory policy		
Regulations under which the mandatory policy is defined:	Employer mandatory policies (or administering authority where employer has become defunct)	Administering authority mandatory policies
The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) – Regulation 7 (Section 5 of this guide)	Under these regulations, each employing authority (other than an Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to the discretions listed in sections 5, 6 and 7 of this guide. If the employer decides to amend the policy, no change can come into effect until one month has passed since the date the amended policy statement was published. In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.	None
The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) – Regulation 26 (Section 6 of this guide)		
The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 – Regulation 14 (Section 7 of this guide)		
The Local Government (Discretionary Payments) Regulations 1996 (as amended) (Section 8 of this	None	None

Section 11 - Formulating and publishing a mandatory policy		
Regulations under which the mandatory policy is defined:	Employer mandatory policies (or administering authority where employer has become defunct)	Administering authority mandatory policies
guide)		
The Local Government (Wales) Measure 2011 (Section 9 of this guide)		
The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 (Section 10 of this guide)		

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