

LGPC Scotland Bulletin 217 – December 2021

Local Government Pensions Committee (LGPC)
Secretary, Lorraine Bennett

The bulletin gives a commentary for administering authorities in Scotland on the significant changes made by the following regulations:

- Local Government Pension Scheme (Scotland) Regulations 2018 [2018/141]
- Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2019 [2019/161]
- Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Amendment Regulations 2019 [2019/204]
- Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2020 [2020/31]
- Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020 [2020/354].

For each change, the commentary sets out the rules before the change, a summary of the change and its impact, and the relevant regulations. Please see the section [Changes](#).

We have needed to raise queries with the SPPA. Under the ‘issues’ heading for each change, we set out where we have done so. For some changes, we have not been able to comment until the SPPA responds. We have set these out in the section ‘[other issues raised with SPPA](#)’. You can access the queries we have raised with SPPA on the [Technical Group](#) page of www.scotlgpsregs.org.uk.

The regulations also made several minor technical changes (such as to reflect renumbering in the Local Government Pension Scheme (Scotland) Regulations 2018). Please see the section [minor technical changes](#).

In the Bulletin we refer to different regulations, which we have shortened as follows:

- Local Government Pension Scheme (Scotland) Regulations 2014 - 2014 Regulations
- Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 - 2014 Transitional Regulations

- Local Government Pension Scheme (Scotland) Regulations 2018 - 2018 Regulations
- Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2019 - 2019 Miscellaneous Regulations
- Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2020 - 2020 Miscellaneous Regulations.

Index

Changes	4
The 2018 Regulations did not create a new scheme	4
Qualifying period changed due to end of contracting-out	4
Date from which members cannot pay contributions brought forward	5
Parental bereavement leave incorporated into the rules	6
Short periods of authorised reduced pay or nil pay leave	7
Regulations allow UFPLS payments	9
Administering authority keeps death grant discretion after two years	10
Refunds for deceased members clarified	12
APP calculation changed	13
Clarification on revaluing a CARE pension account	15
Members still in employment at 75	15
Pre-April 1998 leavers: additional option for when deferred benefits become payable	16
1998 – 2009 leavers: additional option for when deferred benefits become payable	17
2009 – 2015 leavers: additional option for when deferred benefits become payable	19
Post-March 2015 leavers: employer consent no longer needed before 60	20
2015 Scheme pension credits where the person was already over NPA	21
Ill-health and death-in-service: members who reduce hours	21
Reference to CIPFA guidance updated	23
Exiting employer rule changes	23
TPAS reference changed to MaPS on IDRP decision letters	24
Discretion clarified for persons incapable of managing their affairs	25

Returning officer duties at UK Parliamentary elections	26
Cohabiting partner definition amended	26
Fund substitution rules amended	27
Amendment to ill-health test.....	28
Changes to revaluation guidance.....	29
Revaluation adjustment can be exchanged for lump sum.....	29
Club transfers mirror sending scheme's revaluation	30
Other issues raised with SPPA.....	30
Minor technical changes	32
Useful links	34
LGPS pensions section contact details.....	34
Further information.....	36
Copyright.....	36
Disclaimer	36

Changes

The 2018 Regulations did not create a new scheme

Summary before the changes

The 2014 Regulations created a new scheme, the 2015 Scheme. The 2018 Regulations said that they also created a new scheme from 1 June 2018. This led to problems because no transitional arrangements were made.

Changes from 28 June 2019 (backdated to 1 June 2018)

The Scottish Government resolved this by using the 2019 Miscellaneous Regulations, making it clear that the 2018 Regulations had not created a new scheme: they consolidated amendments to the 2014 Regulations, while also making further amends. The change came into force on 28 June 2019 with backdated effect to 1 June 2018.

Impact

Administering authorities should review their communication materials and substitute references to 'the 2018 Scheme' with 'the 2015 Scheme'.

Relevant provisions

- Regulation 2(1) of the 2014 Regulations
- Regulation 2(1) of the 2018 Regulations
- Regulation 2(3) of the 2019 Miscellaneous Regulations.

Qualifying period changed due to end of contracting-out

Summary before the changes

A member must meet the two-year qualifying period to qualify for a benefit (rather than a refund), which can be met in different ways. One way is where the member paid national insurance contributions and left active membership on or after the start of the tax year in which they attained pensionable age. The Scheme gave a benefit in these cases because it was unable to buy the member back into the additional State Pension.

Contracting-out ended on 6 April 2016. This meant that administering authorities no longer needed to buy such members back into the additional State Pension who had joined on or after that date (ie they could be paid a refund of contributions).

However, the 2014 Regulations did not change to reflect this: no distinction was made between contracted-out and contracted-in national insurance. So, members who only paid contracted-in national insurance would qualify for a benefit if they left active membership on or after the start of the tax year in which they attained

pensionable age, even though the additional State Pension issue had fallen away (ie they could not be paid a refund of contributions).

Changes from 1 June 2018

The 2018 Regulations have amended the rule so that it only applies if the member paid contracted-out national insurance contributions while an active member and left active membership on or after the start of the tax year in which they attained pensionable age. Members who only paid contracted-in national insurance while an active member will need to meet the two-year qualifying period in other ways to be paid a benefit from the Scheme. The change took effect from 1 June 2018 and applies to members who leave active membership on or after that date.

Impact

Administering authorities should amend their communication materials and processes.

Relevant provisions

- Regulation 3(6)(e) of the 2014 Regulations
- Regulation 3(6)(e) of the 2018 Regulations.

Date from which members cannot pay contributions brought forward

Summary before the changes

Employee contributions paid after the member has reached age 75 do not qualify for tax relief. HMRC confirms that where an employer deducts contributions from the employee's pay and pays those to the pension scheme, the contributions are deemed to be paid from the deduction date (see [PTM041000](#)).

Consequently, the 2014 Regulations said that an active member does not make contributions on or after their 75th birthday.

Where a member receives pensionable pay on or after their 75th birthday which relates to a period before then, the pay is included in their pension benefits and is treated, for CARE purposes, as if it was received on the day before the 75th birthday. However,

- no employee contributions are deducted from it
- no employer contributions are paid on it. This is because employer contributions are only paid on pensionable pay on which the employee paid contributions (or, if applicable, on assumed pensionable pay).

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2019 Miscellaneous Regulations have moved backwards by one day the date from which a member does not make contributions. So, a member cannot pay contributions on the day before their 75th birthday and thereafter.

The change came into force on 28 June 2019 but has effect from 1 June 2018; meaning that from 1 June 2018, members cannot make contributions on the day prior to their 75th birthday and thereafter.

Issue

We are unclear why the change was needed. Where an employee pays contributions on the day before their 75th birthday, the contributions would qualify for tax relief. We have raised this with the SPPA.

Impact

Administering authorities should ensure that employers are aware that they should not deduct employee contributions for employees who, at the time of the deduction, have reached, at least, the day before their 75th birthday.

Employers should continue to provide details of pensionable pay relating to a period before the member's 75th birthday on which employee and employer contributions have not been paid.

Relevant provisions

- Sections 188(3)(a) and 196 of the Finance Act 2004
- Regulations 9(8), 65(4) and 23(10) of the 2014 Regulations
- Regulations 9(6), 62(4), and 23(10) of the 2018 Regulations
- Regulation 2(6)(c) of the 2019 Miscellaneous Regulations.

Parental bereavement leave incorporated into the rules

Changes from 6 April 2020

The Parental Bereavement (Leave and Pay) Act 2018 introduced a right for qualifying parents to take up to two weeks' leave following the death of their child. This applies for deaths on or after 6 April 2020.

The Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020 amended the 2018 Regulations to incorporate the leave. Members on parental bereavement leave are treated in the same way as members on shared parental leave (for example, they are treated as receiving assumed pensionable pay while on paid parental bereavement leave).

Issue

Though members on parental bereavement leave are treated in the same way as members on shared parental leave, there is one exception.

Where a member in the 50/50 section goes on nil pay parental bereavement leave, the member is moved back into the main section at the beginning of the next pay period, in the same way that members on unpaid ordinary maternity leave, unpaid ordinary adoption leave, or unpaid paternity leave are. However, those members are treated in this way because they receive APP protections, even though they are not paying contributions; but this is not the case for members on unpaid parental bereavement leave, there is no APP protection. We have raised this with SPPA.

Impact

Administering authorities and employers need to ensure that they treat members on parental bereavement leave in accordance with the changes.

Relevant provisions

- Parental Bereavement (Leave and Pay) Act 2018
- Regulation 41 of the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020
- Regulations 9, 10, 11, 12, 15, 16, 21, 62 and schedule 1 of the 2018 Regulations.

Short periods of authorised reduced pay or nil pay leave

The below information does not apply to child-related leave, sick leave or reserve forces leave.

Summary before the changes

■ Before 1 April 2015

For jury service and absence with permission, the following applied:

- A member on jury service on reduced or nil pay paid contributions on the pay they would have received but for the absence ('deemed pay').
- A member on reduced or nil pay due to absence with permission for 30 days or less paid contributions on deemed pay.
- A member on reduced or nil pay due to absence with permission for more than 30 days paid contributions on deemed pay for the first 30 days. They could choose to pay contributions on deemed pay for the leave beyond that, subject to a 36-month limit.

1 April 2015 to 31 May 2018

The position changed from 1 April 2015:

- Jury service and absence with permission were treated the same.
- Members on nil or reduced pay no longer had to pay contributions on the deemed pay: they had a choice.
- Members could elect to buy back the lost pension by taking out an APC contract. Where the member was on nil pay and elected within 30 days of returning to work (or such longer period as the employer allowed), the employer paid two-thirds of the cost (subject to a 36-month limit).

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2019 Miscellaneous Regulations amended the 2018 Regulations so that absences with permission (including jury service) on reduced pay or nil pay for a continuous period of less than 31 days were treated in a similar way to the rules before 1 April 2015. In these cases, members must pay contributions on the pensionable pay they would have received but for the absence ('deemed pay').

The change was made on 28 June 2019, but with backdated effect to 1 June 2018. We therefore assume that, at the very least, this applies to absences that started on or after 1 June 2018.

The change does not apply to absences (including jury service) for longer than 30 days. In these cases:

- the member and employer pay contributions on the actual pensionable pay (if any) received for the entire period
- the pension is worked out on the actual pensionable pay received (if any)
- the member can choose to buy back the lost pension by taking out an APC contract
- if the absence is on nil pay and the member elects to buy back the lost pension by taking out an APC contract within 30 days of returning to work (or such longer period as the employer may allow), the employer must pay two-thirds of the cost (subject to a 36-month limit)
- if the absence is on reduced pay, the employer does not have to share the cost of an APC contract, though they could choose to do so.

Issues

We have raised the following questions with SPPA:

- does the change also apply to unpaid shared parental leave and unpaid parental bereavement leave?

- does the employer pay their contributions on the deemed pay in the same way that they did before 1 April 2015 (we assume so)?
- what should employers do where they have applied the old rules in the period from 1 June 2018 to 28 June 2019?
- do the new rules apply where the absence started before 1 June 2018 and ended after that date?
- we assume that where a member pays contributions on the deemed pay, the member will not have a break in service for underpin, final pay calculations and rule of 85 purposes?

Impact

Employers need to ensure that their processes are in accordance with the changes.

Relevant provisions

- Regulation 18 of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008
- Regulation 11(5) of the 2018 Regulations
- Regulation 2(8) of the 2019 Miscellaneous Regulations.

Regulations allow UFPLS payments

Summary before the changes

From April 2015, the Finance Act 2004 allows schemes the option of paying taxable lump sums from money purchase arrangements. These are known as uncrystallised funds pension lump sums (UFPLS).

To allow LGPS members to receive their AVCs as an UFPLS, either the Government must change the regulations or administering authorities exercise the permissive override power set out in section 273B of the 2004 Act.

On 28 July 2016, [Derek Mackay, the then Cabinet Secretary for Finance and the Constitution, wrote to administering authorities](#). The letter confirms that the Government intends to change the regulations allowing members to receive their AVCs as an UFPLS. Meanwhile, authorities should exercise the permissive override power.

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2018 Regulations include the promised regulatory change. Where a member chooses to receive their AVCs as an UFPLS, the UFPLS may be paid, subject to the AVC provider's terms and conditions. This took effect from 1 June 2018.

To make it clear that this also applies to members who left active membership before 1 April 2015, the 2019 Miscellaneous Regulations further changed the 2018

Regulations. This came into force on 28 June 2019, with backdated effect to 1 June 2018.

Impact

Administering authorities may already have allowed UFPLS payments subject to the provider's terms and conditions, relying on the permissive override. The change means that from 1 June 2018, authorities can instead rely on the 2018 Regulations.

Where an administering authority wishes to allow members to receive their AVCs with a particular provider as an UFPLS, the authority will need to liaise closely with the provider. They will need to discuss the circumstances where this could be possible, the process, and how the disclosure requirements would be met.

Relevant provisions

- Regulation 17(8) of the 2018 Regulations
- Regulation 2(10)(b) of the 2019 Miscellaneous Regulations.

Administering authority keeps death grant discretion after two years

Summary before the changes

Where a death grant is due in respect of a member who left active membership after 31 March 2015 (including a pension credit member awarded the credit under the 2015 Scheme), the administering authority has discretion to whom to pay it. Additionally, where a member with an AVC fund who left active membership after 31 March 2015 dies, the authority has the same discretion regarding any uncrystallised AVCs.

In either case, the authority can choose to pay it to (or for the benefit of) the member's nominee, personal representative or any person appearing to the authority to have been a relative or dependent of the member.

However, authorities lost the discretion when the two-year period expired and had to pay any unpaid amounts to the personal representatives. The two-year period begins with the date of death where the authority knew about the death within that period; otherwise, the period begins with the date on which the authority could reasonably have been expected to have become aware of the member's death.

To avoid death grants being unauthorised under the Finance Act 2004, authorities should have paid it before the end of the two-year period, which for this purpose begins with the day on which the authority first knew of the member's death (or, if earlier, could first reasonably be expected to have known of it).

In 2015 / 16, the requirement under the Finance Act 2004 to pay a death grant within the two-year period mentioned in the previous paragraph was repealed. This

means that death grants paid after the two-year period are now authorised payments, subject to tax. The change applies to death grants falling within the meaning of defined benefit lump sum death benefit (DBLSDB) paid after 5 April 2015 and to death grants falling within the meaning of uncrystallised funds lump sum death benefits (UFLSDB) (ie AVC death grants) paid after 5 April 2016.

Changes from 1 June 2018

The 2018 Regulations change the rule so that administering authorities no longer lose the discretion to whom to pay the death grant on the expiry of the two-year period. They are no longer forced to pay any unpaid amounts to the personal representatives.

The change applies from 1 June 2018. In our view, this means that it applies to any payments where the two-year period ended on or after then. For this purpose, the two-year period begins with the date of death where the authority knew about the death within that period; otherwise, the period begins with the date on which the authority could reasonably have been expected to have become aware of the death.

The change does not apply to death grants in respect of members who left active membership before April 2015 (including pension credit members awarded credits under the earlier regulations). We have asked SPPA whether they wish to extend the change to these death grants.

Impact

Administering authorities should ensure that their processes reflect that they no longer lose the discretion on the expiry of the two-year period regarding relevant members.

Notwithstanding this, to avoid death grants becoming liable to tax, administering authorities should continue to try to pay grants within the two-year period beginning with when the authority became aware of the death (or, if earlier, from when the authority should reasonably have been expected to have become aware of the death).

Relevant provisions

- Regulation 17(12) and (14), 38(2) and (4), 41(2) and (4), and 44(2) and (5) of the 2014 Regulations
- Regulation 17(12), 38(2), 41(2) and 44(2) of the 2018 Regulations.

Refunds for deceased members clarified

Summary before the changes

Where a person who left active membership after 31 March 2015 entitled to a refund dies before receiving it, the administering authority must pay the refund to the estate.

The administering authority must deduct any tax due under the Finance Act 2004. The amount of tax depends on how the refund is classified under the Act.

Normally, if the refund is paid to the member, it is classified as a 'short service refund lump sum'. The first £20,000 is taxed at 20 per cent, the remainder at 50 per cent.

But what happens if the refund is paid to the estate because the member died before receiving it?

It is unclear whether it is instead classified as a 'defined benefit lump sum death benefit' (DBLSDB) or, for refunds of AVCs, an 'uncrystallised funds lump sum death benefit' (UFLSDB). If the refund is classified in these ways, it would be tax-free where the authority pays it within the two-year period (assuming sufficient lifetime allowance). The two-year period begins with the day on which the authority first knew of the member's death (or, if earlier, could first reasonably be expected to have known of it).

The National Technical Group [discussed the issue](#) on 16 June 2017 and agreed that it should be classified in those ways. We agreed to request a change to the regulations. In the meantime, the Group recommended that administering authorities could rely on the Finance Act 2004 to classify refunds as DBLSDBs (or refunds of AVCs as UFLSDBs).

Changes from 1 June 2018 (backdated to 1 April 2015)

The 2018 Regulations make it clear that refunds paid to the estate should be classified as a DBLSDB, or, for refunds of AVCs, as an UFLSDB and taxed accordingly. The change does not apply to members who left active membership before 1 April 2015.

The change came into force on 1 June 2018 but has backdated effect to 1 April 2015. It applies to all refunds paid (or to be paid) to the estate of deceased members who left active membership after 31 March 2015.

Issues

We have asked the SPPA to make similar changes for members who left active membership before 1 April 2015. In the meantime, administering authorities may continue to rely on the Finance Act 2004.

Impact

Administering authorities who have been relying on the National Technical Group's recommendation and classifying refunds in respect of deceased members who left active membership after 31 March 2015 as DBLSDBs or as UFLSDBs can now rely on the 2018 Regulations. Administering authorities who have not classified such refunds in this way will need to do so (noting that the change has backdated effect to 1 April 2015).

Please see [PTM073100](#) and [PTM073200](#) for more information on paying DBLSDBs and UFLSDBs.

Relevant provisions

- Regulation 18(6) of the 2014 Regulations
- Sections 168 and 205 and paragraphs 13 and 15 of Schedule 29 to the Finance Act 2004
- Regulations 18(6) and (7) of the 2018 Regulations.

APP calculation changed

Summary before the changes

Assumed pensionable pay (APP) is based on the pensionable pay the member received for the employment in the complete three-month (or 12-week period) before the circumstances began (for example, reduced or nil pay sick leave), or the death or ill-health retirement occurred.

The calculation, however, does not cover the following cases where:

- no pay was received for the employment in the three-month (or 12-week) period
- due to authorised leave, the pay in the three-month (or 12-week) period was less
- the pay received in the three-month (or 12-week) period was materially higher or lower than normal.

The calculation is different for returning officer/acting returning officer duties that are recorded on a separate record. None of the changes below apply to these.

Changes from 1 June 2018

The 2018 Regulations aim to cover the cases outlined above.

■ no pay was received for the employment in the three-month (or 12-week) period

The 2018 Regulations say that you should instead use the pensionable pay received for the employment in the three-month (or 12-week) period preceding the start of the pay period in which the member last received pensionable pay. The change took effect from 1 June 2018, meaning, in our view, it applies where the member begins to be treated as receiving APP during a leave period on or after 1 June 2018. We assume (though see issues) that the change also applies to any ill-health retirement or death that occurs on or after then.

This might mean that you use pay received a considerable time ago, this does not mean that you revalue the resultant APP. You only revalue APP if the period the member is treated as receiving it crosses two 1 April dates.

The change does not cover cases where the member did not previously receive pay for the employment (for example, new employees).

■ due to authorised leave, the pay in the three-month (or 12-week) period was less

■ the pay received in the three-month (or 12-week) period was materially higher or lower than normal.

Where the employer is of the opinion that the pay received in the three-month (or 12-week) period was materially higher or lower than the member normally received, the 2018 Regulations give the employer discretion to use a higher or lower amount to reflect the pay the member would normally have received. The change took effect from 1 June 2018, meaning, in our view, it applies where the member begins to be treated as receiving APP during a leave period on or after 1 June 2018. It also applies to any ill-health retirement or death that occurs on or after then.

Issues

We have asked the SPPA whether the change covering cases where the member did not receive pay in the three-month (or 12-week) period also applies to ill-health retirement and death cases and whether the 12-month period for regular lump sums is also moved back.

Impact

Employers should ensure they calculate APP in line with the changes. They should also consider whether they need to revisit past cases.

The discretion to use a higher or lower amount is not one which must be included on an employer's written policy statement. Nonetheless, employers will wish to consider their policy on this.

Administering authorities may need to update their communication materials.

Relevant provisions

- Regulation 21(4)(a)(v) and (b)(v) of the 2018 Regulations
- Regulation 21(6) of the 2018 Regulations.

Clarification on revaluing a CARE pension account

Summary before the changes

On 1 April following a member becoming a deferred member, the deferred CARE account receives the final part-year revaluation adjustment. This reflects the revaluation due for the period from the previous 1 April to the leaving date.

However, the regulations did not provide for the final part-year revaluation adjustment to be added if the member became a deferred and then pensioner member in the same scheme year (1 April to 31 March).

Changes from 1 June 2018 (backdated to 1 April 2015)

The 2018 Regulations provide that where a member becomes a deferred and then a pensioner member in the same scheme year, the CARE account receives the final part-year revaluation adjustment on 1 April after leaving.

The change is backdated to 1 April 2015.

Impact

The change is unlikely to have any impact because administering authorities will already have been giving the final part-year revaluation adjustment in these cases.

Relevant provisions

- Regulation 26(8) of the 2018 Regulations.

Members still in employment at 75

Summary before the changes

Unlike in previous regulations, the 2014 Regulations did not set out when benefits become payable to members who were still in their employment on their 75th birthday. This includes members who stop being an active member on their 75th birthday and members who opted out after 31 March 2015.

Changes from 1 June 2018

The 2018 Regulations set out that where the member is in the local government employment on the day before their 75th birthday, the member's benefits become payable from the 75th birthday, even if the member remains in their employment beyond then.

The change took effect from 1 June 2018.

Impact

There is unlikely to be any impact, as we expect that administering authorities will already have been putting the benefits into payment from the member's 75th birthday.

Relevant provisions

- Regulations 29(4) and 31(2) of the 2018 Regulations.

Pre-April 1998 leavers: additional option for when deferred benefits become payable

Summary before the changes

For members who left active membership before 1 April 1998, deferred benefits become payable from the earliest of:

- attaining pensionable age
- any date due to ill health (where the ill-health conditions are met)
- any date after age 50 where the employer consents on compassionate grounds (payments before age 55 incur unauthorised tax charges)
- age 60 where the person is not employed in local government employment and makes an election to do so within three months of their 60th birthday
- if still employed in local government employment at 60, the date of ceasing to be employed where the member makes an election to do so within three months of ceasing their employment.

'Pensionable age' means the earliest age at which the member attains 25 years' membership, assuming the member had remained in that employment. Pensionable age is subject to a minimum of 60 and a maximum of 65.

Deferred benefits payable under the last two bullets are reduced for early payment. The benefits, however, cannot be reduced to less than the requisite benefits. Requisite benefits equal:

- women: $\text{final pay} \times \frac{1}{80} \times \text{membership from 6 April 1978 to 31 March 1996 (inclusive)}$
- men: $\text{final pay} \times \frac{1}{80} \times \text{membership from 17 May 1990 to 31 March 1996 (inclusive)}$.

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2019 Miscellaneous Regulations introduce an additional option allowing members to receive their benefits early. A member may elect to do so where the member is not an active member in the employment from which the benefits arose

and is 55 or over. The former employer does not need to consent. The benefits become payable from the date of the election and are reduced for early payment.

The change came into force on 28 June 2019 but has backdated effect to 1 June 2018. Therefore, members can elect under the additional option from 1 June 2018.

Issues

We have raised the following issues with the SPPA:

- Can the benefits be reduced below the requisite benefits under the additional option?
- Can the employer waive any part of the reduction?
- It appears that members who have opted out while in an employment do not need to have left that employment before being able to elect under the additional option, is this correct?

SPPA launched a consultation on 1 November 2021 on the draft Local Government Pension Scheme (Amendment) (Scotland) Regulations 2021 which aims to address these issues. You can see the consultation documents on the [Scheme consultations](http://www.scotlgpsregs.org) page of www.scotlgpsregs.org.

Impact

Administering authorities will need to update their processes and communication material.

Relevant provisions

- Regulations E2 and E3 of the 1987 Regulations
- Regulation 3(13) of the 2014 Transitional Regulations
- Regulation 3(3) of the 2019 Miscellaneous Regulations.

1998 – 2009 leavers: additional option for when deferred benefits become payable

Summary before the changes

Deferred members (including councillor members) who left active membership between 1 April 1998 and 31 March 2009 (inclusive) can elect to receive early payment:

- at any age on ill-health (where the ill-health conditions are met)
- on or after 50 (elections before 60 require the employer's consent, and any payments made before 55 incur unauthorised tax charges).

If the member had opted out in an employment, the member must have left the employment before being able to receive the benefits before 75.

The benefits received early under the second bullet are reduced in accordance with GAD guidance. The requisite benefit rules may, however, reduce the reduction.

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2019 Miscellaneous Regulations introduce an additional option allowing members to receive their benefits early. A member may elect to do so where the member is not an active member in the employment from which the benefits arose and is 55 or over. The former employer does not need to consent. The benefits become payable from the date of the election and are reduced for early payment.

The change came into force on 28 June 2019 but has backdated effect to 1 June 2018. Therefore, members can elect under the additional option from 1 June 2018.

The 2019 Miscellaneous Regulations do not change when pension credit members under the 1998 Regulations can elect to receive early payment (current set at 60).

Issues

We have raised the following issues with the SPPA:

- How does the rule of 85 work for a member who elects between 55 and 60 under the additional option and meets the rule of 85 before 60?
- It appears that members who have opted out while in an employment do not need to have left that employment before being able to elect under the additional option, is this correct?
- Can the benefits be reduced below the requisite benefits under the additional option?
- Can the employer waive any part of the reduction?
- SPPA has emailed administering authorities suggesting that the change also applies to pension credit members. We do not believe this is correct.

SPPA launched a consultation on 1 November 2021 on the draft Local Government Pension Scheme (Amendment) (Scotland) Regulations 2021 which aims to address these issues. You can see the consultation documents on the [Scheme consultations](https://www.scotlgpsregs.org) page of www.scotlgpsregs.org.

Impact

Administering authorities will need to update their processes and communication material.

Relevant provisions

- Regulation 30 of the 1998 Regulations
- Regulation 3(13) of the 2014 Transitional Regulations
- Regulation 3(3) of the 2019 Miscellaneous Regulations.

2009 – 2015 leavers: additional option for when deferred benefits become payable

Summary before the changes

Deferred members (including councillor members) who left active membership between 1 April 2009 and 31 March 2015 (inclusive) can elect to receive early payment:

- at any age on ill-health (where the ill-health conditions are met)
- on or after 55 (elections made before 60 require the employer's consent).

If the member had opted out in an employment, the member must have left the employment before being able to receive the benefits before 75.

The benefits received early under the second bullet are reduced in accordance with GAD guidance.

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2019 Miscellaneous Regulations introduce an additional option allowing members to receive their benefits early. A member may elect to do so where the member is not an active member in the employment from which the benefits arose and is 55 or over. The former employer does not need to consent. The benefits become payable from the date of the election and are reduced for early payment.

The change came into force on 28 June 2019 but has backdated effect to 1 June 2018. Therefore, members can make elections under the additional option from 1 June 2018.

The 2019 Miscellaneous Regulations do not change when pension credit members under the 2008 Regulations can draw their benefits.

Issues

We have raised the following queries with the SPPA:

- How does the rule of 85 protection work for a member who elects between 55 and 60 and meets the rule of 85 before age 60?
- It appears that members who have opted out while in an employment do not need to have left that employment before being able to elect under the additional option, is this correct?
- Can the employer waive any part of the reduction?
- SPPA has emailed administering authorities suggesting that the change also applies to pension credit members. We do not believe this is correct.

SPPA launched a consultation on 1 November 2021 on the draft Local Government Pension Scheme (Amendment) (Scotland) Regulations 2021 which aims to address these issues. You can see the consultation documents on the [Scheme consultations](http://www.scotlgpsregs.org) page of www.scotlgpsregs.org.

Impact

Administering authorities will need to update their processes and communication material.

Relevant provisions

- Regulations 30 and 31 of the 2008 Benefit Regulations
- Regulation 3(13) of the 2014 Transitional Regulations
- Regulation 3(3) of the 2019 Miscellaneous Regulations.

Post-March 2015 leavers: employer consent no longer needed before 60

Summary before the changes

Deferred members (including councillor members) who leave active membership after 31 March 2015 can elect to receive early payment:

- at any age on ill-health (where the ill-health conditions are met)
- on or after 55 (elections made before 60 require the employer's consent).

If the member had opted out in an employment, the member must have left the employment before being able to receive the benefits before 75.

The benefits received early under the second bullet are reduced in accordance with GAD guidance. Where a member wishes to draw their benefits before 60, has rule of 85 protection and meets the rule of 85 before 60, the member is treated as meeting it at 60, unless, at a cost, the employer agrees that the actual rule of 85 date should be used.

Changes from 1 June 2018

The 2018 Regulations remove the need for the employer to consent for elections made before 60 under the second bullet above.

Consequently, the employer is no longer required to have a written policy on consenting to payment before 60 for members who left active membership after 31 March 2015.

The change took effect from 1 June 2018. In our view, this means that any elections made on or after then do not require employer consent.

Pension credit members under the 2015 Scheme were already able to elect for early payment from 55.

Impact

Administering authorities will need to update their processes and communication material.

Relevant provisions

- Regulation 29(5) and (13) of the 2014 Regulations
- Regulation 58 of the 2014 Regulations
- Schedule 2 of the 2014 Transitional Regulations
- Regulation 29(6) of the 2018 Regulations
- Regulation 58 of the 2018 Regulations.

2015 Scheme pension credits where the person was already over NPA

Summary before the changes

A pension credit is awarded under the 2015 Scheme where the sharing order's effective date is after 31 March 2015 and the debit member has some post 31 March 2015 membership.

The 2014 Regulations are silent on when such pension credit benefits become payable where the effective date is after the credit member's normal pension age (NPA) - their State Pension age with a minimum of 65.

Changes from 1 June 2018 (backdated to 1 April 2015)

The 2018 Regulations say that where the credit member is at or over their NPA on the effective date, the benefits become payable from the effective date. The credit member cannot defer payment.

The benefits are not increased for late payment. This is because the credit member's age will have been reflected in the original credit calculation.

The change comes into force on 1 June 2018 but has backdated effect to 1 April 2015. Therefore, it applies to all credits awarded under the 2015 Scheme.

Impact

Administering authorities must ensure that their communications and processes are in line with the changes. Authorities may also need to revisit past cases.

Relevant provisions

- Regulation 29(11) of the 2018 Regulations.

Ill-health and death-in-service: members who reduce hours

Summary before the changes

Assumed Pensionable Pay (APP) is used to calculate ill-health enhancements and death-in-service benefits.

The APP calculation gives no protection to members who attempt to continue on reduced contractual hours (and receive less pay) before leaving on ill health or dying in service.

Changes from 28 June 2019 (backdated to 1 April 2015)

The 2019 Miscellaneous Regulations have changed the 2015 Scheme giving protection for such members.

When calculating APP for ill-health and death-in-service cases for members who reduced their contractual hours due to ill health or infirmity of mind or body, you ignore any reductions in pensionable pay. An independent registered medical practitioner does not need to certify whether the protection applies. Also, the ill-health condition that caused the reduction does not need to be the same condition that caused the ill-health retirement or death. However, you do not ignore the reduction when calculating the CARE pension for the period between the reduction and leaving / death.

The protection, however, does not apply where you are calculating APP in accordance with regulation 21(7) or (9) (returning officer / acting returning officer fees).

The change came into force on 28 June 2019 but has backdated effect to 1 April 2015. Therefore, it applies to all ill-health retirements and death-in-service cases that occurred on or after 1 April 2015.

Impact

Employers should ensure that their processes are in line with the change. For death-in-service cases or ill-health retirements, the employer should consider whether the protection applies and, if so, ignore the reduction in pay when working out the APP.

As the change has backdated effect to 1 April 2015, employers will need to review previous ill-health retirements and death-in-service cases that occurred on or after that date and advise the administering authority of any amended APP calculations.

Issues

The ill health guidance provided by SPPA contradicts the regulations. Section 8 of the guidance suggests that the reduction in pay is also ignored when calculating the CARE pension for the period between the reduction in hours and the ill health retirement / death in service and that the condition that caused the reduction must be the same condition that caused the ill health retirement / death. We have queried this with SPPA.

Relevant provisions

- Regulation 2(18)(b) and 4(2) of the 2019 Miscellaneous Regulations
- Regulation 37(8) of the 2014 Regulations
- Regulation 37(8) of the 2018 Regulations.

Reference to CIPFA guidance updated

Summary before the changes

Administering authorities must prepare, maintain and publish their funding strategy statement.

When doing so, authorities must have regard to guidance published in October 2012 by CIPFA, entitled 'Preparing and Maintaining a Funding Strategy Statement in the Local Government Pension Scheme 2012'.

CIPFA published a new version in 2016.

Changes from 1 June 2018 (backdated to 31 March 2016)

The 2018 Regulations have amended the reference to the CIPFA guidance. The regulations no longer refer to a specific version, and now simply refer to 'the current version'. This means that the regulations do not need to be updated for each new version.

The change came into force on 1 June 2018 but has backdated effect from 31 March 2016.

Impact

There is unlikely to be any impact to the change, as it is expected that administering authorities will already have been using the current version.

Relevant provisions

- Regulation 56(4)(a) of the 2014 Regulations
- Regulation 56(4)(a) of the 2018 Regulations.

Exiting employer rule changes

Summary before the changes

Where an employer exits the Scheme in an LGPS fund, the employer is liable to pay an exit payment. The amount of which is set out in the revised rates and adjustment certificate.

The administering authority may suspend the employer's liability for up to three years. This can be done where the authority is of the reasonable opinion that the employer is likely to have one or more active members within the period the liability is suspended.

Administering authorities are unable to pay exit credits to the employer where there is a surplus.

Changes from 1 June 2018

The 2018 Regulations require administering authorities to pay exit credits to the employer where there is a surplus. The amount of which is set out in the revised rates and adjustment certificate.

Also, authorities are given greater freedom to suspend liability to pay exit payments. This can now be for any period (no longer limited to three years) and for reasons beyond the employer being likely to have active members again.

Both changes took effect from 1 June 2018. In our view, this means that the changes apply to employers who exit on or after that date.

In its consultation response, the SPPA confirmed that:

“Scottish Ministers would not expect an exit credit normally to be payable in relation to an admission agreement entered into before the new Regulations take effect. In such cases the commercial arrangements will have been drawn up on the basis of the existing regulatory provisions.”

Impact

Administering authorities will need to ensure that their processes and policies when dealing with exiting employers are in line with the changes.

Relevant provisions

- Regulations 62(1), (2), (2A), (2B) and (2C) of the 2014 Regulations
- Regulations 61(1), (2), (3) and (4) of the 2018 Regulations.

TPAS reference changed to MaPS on IDRP decision letters

Summary before the changes

Internal dispute resolution procedure (IDRP) decision letters must include certain information. For example, the letters must include a statement that the Pensions Advisory Service (TPAS) is available to give assistance in connection with any difficulty with the Scheme that remains unresolved. The letters must also give TPAS's address.

Changes from 6 April 2019

In 2019, TPAS became part of the Money and Pensions Service (MaPS). The 2018 Regulations have been updated to reflect this. IDRP decision letters must now include a statement that the Money and Pensions Service is available to give assistance in connection with any difficulty with the Scheme that remains

unresolved. The letters must also include their address. This took effect from 6 April 2019.

Impact

Administering authorities and employers should amend their stage one IDRP decision letters so that they refer to MaPS, rather than TPAS.

Relevant provisions

- Regulations 70 and 72 of the 2018 Regulations
- Paragraph 28 of the schedule to the Financial Guidance and Claims Act 2018 (Naming and Consequential Amendments) Regulations 2019.

Discretion clarified for persons incapable of managing their affairs

Summary before the changes

From 1 April 2015, the Government gave administering authorities discretion regarding persons receiving 2015 Scheme benefits. Where it appears to the authority the person is, by reason of mental disorder or otherwise, incapable of managing their affairs, the authority may pay those benefits in certain other ways.

The Government received questions about how to define mental disorder.

Changes from 1 June 2018

The 2018 Regulations set out that the discretion now applies where it appears to the authority that the person is incapacitated within the meaning of section 1 of the Adults with Incapacity (Scotland) Act 2000.

The change took effect from 1 June 2018. In our view, this means that it applies to any payments made on or after that date.

Issues

We have flagged with the SPPA that the discretion only applies to 2015 Scheme benefits, so does not apply to benefits under the earlier schemes.

Impact

Administering authorities must ensure that their processes when exercising the discretion are in accordance with the change.

Relevant provisions

- Regulation 81 of the 2014 Regulations
- Regulation 78 of the 2018 Regulations.

Returning officer duties at UK Parliamentary elections

Summary before the changes

Where a person, under their employment, carries out additional duties, the administering authority must record the additional duties as if they were a separate employment (ie on a different record). Additional duties mean duties as a returning officer at local government or Scottish Parliament elections, or as an acting returning officer (including as a regional or local returning officer at European Parliamentary elections).

However, duties as a returning officer at UK Parliamentary elections do not count for this purpose.

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2019 Miscellaneous Regulations add duties as a returning officer at UK Parliamentary elections to the list of additional duties.

The change came into force on 28 June 2019 but with backdated effect to 1 June 2018.

Impact

Administering authorities should ensure that duties as a returning officer at UK Parliamentary elections are recorded separately from the person's main duties.

Relevant provisions

- Regulation 102 of the 2014 Regulations
- Regulation 99 of the 2018 Regulations
- Regulation 2(25) of the 2019 Miscellaneous Regulations.

Cohabiting partner definition amended

Summary before the changes

Survivor pensions are payable to eligible cohabiting partners regarding members who left active membership after 31 March 2009. Where the member died after 31 March 2015, the eligibility conditions are set out in the 2014 / 2018 Regulations. These set out that the partner is eligible where the administering authority is satisfied that all the following conditions applied for a continuous period of at least two years ending with the date of death:

- the couple were able to marry or form a civil partnership with each other
- the couple were living together as if they were either a married couple or civil partners
- neither person was living with a third person as if they were either a married couple or civil partners

- the partner was financially dependent on the member or the couple were financially interdependent.

Changes from 28 June 2019 (backdated to 1 June 2018)

The 2019 Miscellaneous Regulations have amended the condition set out in the first bullet.

Previously, throughout the two-year period, the couple must have been able to marry or form a civil partnership with each other. After the change, this only needs to be the case on the date of death. For example, if one of them divorced within the two-year period, the condition could not previously be met. Now it may.

The change came into force on 28 June 2019 but has backdated effect to 1 June 2018. In our view, the change applies to deaths that occurred on or after 1 June 2018.

Impact

Administering authorities need to update their processes and communication material. They may also need to revisit deaths that occurred on or after 1 June 2018.

Relevant provisions

- Schedule 1 of the 2014 Regulations
- Schedule 1 of the 2018 Regulations
- Regulation 2(26)(a) of the 2019 Miscellaneous Regulations.

Fund substitution rules amended

Summary before the changes

Employers may apply to Scottish Ministers to change the LGPS fund into which it pays where –

- it pays into more than one LGPS fund,
- it merges or amalgamates with another employer who pays into a different fund, or
- it moves its main place of business to a different geographical area.

Changes from 1 June 2018 and 31 March 2020

The 2019 and 2020 Miscellaneous Regulations give more flexibility. Employers can now apply for other reasons (which took effect from 1 June 2018). Also, administering authorities can apply to Scottish Ministers to become the LGPS fund into which an employer pays (effective from 31 March 2020).

Impact

Administering authorities and employers should note the changes.

Relevant provisions

- Part 1 of schedule 4 of the 2014 Regulations
- Part 1 of schedule 4 to the 2018 Regulations
- Regulation 2(28) of the 2019 Miscellaneous Regulations
- Regulation 2(2) of the Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Amendment Regulations 2019
- Regulation 2 of the 2020 Miscellaneous Regulations.

Amendment to ill-health test

Summary before the changes

To qualify under the 2015 Scheme for an ill-health pension or early payment of deferred benefits on ill-health grounds, at the very least, the member must be 'permanently incapable' of discharging efficiently the duties of the employment (or, for councillors, the duties of the office). 'Permanently incapable' means that the member will, more likely than not, be incapable until at the earliest the member's normal pension age (State Pension age or 65 if later).

The ill health tier payable depends on when the member will likely be capable of undertaking gainful employment. If the member is unlikely to be so capable before normal pension age, tier one is payable. If the member is likely to be so capable before normal pension age and is not entitled to tier one, tier two is payable.

Changes from 1 June 2018

The 2018 Regulations have amended the 'permanently incapable' definition. It now refers to "the member being incapable until at the earliest the member's normal pension age".

We queried with SPPA why the 'more likely than not' wording has been removed. SPPA, after checking with their lawyers, confirmed that this was because it was not needed, as the civil law test (balance of probabilities, which is the same as 'the more likely than not' test) automatically applies. However, for the sake of clarity, SPPA will re-instate the 'more likely than not' wording.

The 2018 Regulations have also removed the condition that the member must not be entitled to tier one for tier two to be payable. The condition had no practical effect.

Impact

None.

Relevant provisions

- Regulations 34, 36, schedule 1 and schedule 5 of the 2014 Regulations
- Regulation 34, 36, schedule 1 and schedule 5 of the 2018 Regulations.

Changes to revaluation guidance

Summary before the changes

The 2014 Regulations set out that revaluation adjustment to CARE accounts must be applied in accordance with actuarial guidance issued by the Scottish Ministers.

Changes from 1 June 2018

The 2018 Regulations say that it must be done in accordance with guidance issued by Scottish Ministers (ie no longer needing to be actuarial guidance).

Impact

None.

Relevant provisions

- Regulations 23(2), 24(7), 25(6), 27(5), 39(5), 40(12), 42(5), 43(12), 45(5), 46(12) of the 2014 Regulations
- Regulations 23(2), 24(7), 25(6), 26(8), 27(5), 39(6), 40(13), 42(6), 43(13), 45(6), 46(13) of the 2018 Regulations.

Revaluation adjustment can be exchanged for lump sum

Summary before the changes

Members may exchange part of their retirement pension for lump sum. Retirement pension is defined as including earned pension and additional pension (though additional pension purchased with AVCs cannot be exchanged). It is unclear whether members can exchange revaluation adjustment added to CARE accounts.

Changes from 1 June 2018

The 2018 Regulations confirm that retirement pension, for this purpose, includes revaluation adjustment. The change took effect from 1 June 2018.

Impact

There is unlikely to be any impact to the change, as it is expected that administering authorities will already have been allowing members to exchange part of the revaluation adjustment for lump sum.

Relevant provisions

- Regulations 32(1) and (4)(b) of the 2014 Regulations
- Regulations 32(1) and (4)(b) of the 2018 Regulations.

Club transfers mirror sending scheme's revaluation

Summary before the changes

The Club Memorandum says that, for inner-Club transfers, the receiving scheme must revalue the transferred-in benefits using the sending scheme's in-service revaluation method. However, The LGPS regulations made no provision for this.

Changes from 1 June 2018 (backdated to 1 April 2015)

The 2018 Regulations accommodate the need to revalue inner-Club transfers using the sending scheme's revaluation method. The change took effect from 1 June 2018, but with backdated effect to 1 April 2015.

Also, see [LGPC Bulletin 213](#) for our recommendation on how administering authorities should apply the final revaluation adjustment to inner-Club transfers on 1 April after leaving active membership.

Impact

There is unlikely to be any impact to the change, as it is expected that administering authorities will already have been revaluing inner-Club transfers in this way.

Relevant provisions

- Schedule 1 of the 2014 Regulations
- Schedule 1 of the 2018 Regulations
- Club Memorandum.

Other issues raised with SPPA

For the below changes, we have been unable to give a commentary until the Scottish Public Pensions Agency (SPPA) reply to our queries. Please see the [technical queries raised with SPPA](#) document for information on each query.

- Regulation 3(6)(b) of the 2018 Regulations, which has changed the reference from 'occupational pension scheme' to 'registered pension scheme'(query 131)
- Regulation 41(3) of the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020, which adds members on unpaid parental bereavement leave to regulation 12(2) of the 2018 Regulations (query 135)
- Regulation 15(4) of the 2018 Regulations, which has moved "or, as appropriate, under an SCAVC under regulation 17" to an earlier part of the clause (query 136)
- Regulation 16(5), which has amended 'pension accounts' to 'pension account' (query 137)

- Regulation 2(10)(a)(iv) of the 2019 Miscellaneous Regulations, which allows a member to purchase 'additional pension' from any insurance provider with their AVC under regulation 17(6) of the 2018 Regulations (query 138)
- Regulation 2(10)(c) of the 2019 Miscellaneous Regulations, which has inserted 'additional pension' bought under regulation 16(6)(b)(ii) to regulation 17(12)(e) of the 2018 Regulations (query 138)
- Regulation 21(7), which sets out the APP calculation for a member who receives returning officer fees but is not employed to carry out duties as a returning officer/acting returning officer (query 149)
- Regulation 2(16) of the 2019 Miscellaneous Regulations, which has inserted regulation 29(14) into the 2018 Regulations (query 150)
- Regulation 40(9)(a)(v) of the 2018 Regulations, which has amended the multiplier from 49/240 to 39/240 (query 151)
- Regulation 48(2), which includes individual protection 2014 (query 153)
- The 2018 regulations have deleted regulation 64 (supply of copies of valuation certificates) (query 154)
- Regulation 93(3) of the 2018 Regulations, which sets out how to work out a transfer-in under the bulk transfer provisions (query 159)
- Regulation 95(8) of the 2018 Regulations, which duplicates regulation 96(2) (query 160)
- Regulation 102(1) of the 2018 Regulations, which revokes previous regulations (query 161)
- Schedule 1 of the 2018 Regulations, which has removed the definition of 'local government service' (query 163)
- Schedule 1 of the 2018 Regulations, which re-inserted 'additional paternity leave' into the definition of 'child related leave' (query 162)
- Schedule 2 of the 2018 Regulations, which amends the list of participating employers (query 177)
- Schedule 4 of the 2018 Regulations, which amends the list setting out who is the appropriate fund (query 178)
- Paragraph 6 of schedule 5 to the 2018 Regulations, which sets out that APP will apply to a councillor on reserve forces leave (query 164)
- Regulation 3(2)(b) of the 2019 Miscellaneous Regulations which has added the 2015 Scheme to the definition of 'earlier schemes' in the 2014 Transitional Regulations (query 165).

Minor technical changes

There have been several other technical changes made to which we have not commented. In the main, these changes simply reflect the renumbering in the 2018 Regulations.

For sake of clarity, we have listed the relevant provisions of the 2018 Regulations below. Please contact us if you wish to receive more information about any of these.

- Regulation 2(1) and (2)
- Regulation 3(3) and (5)
- Regulation 4(2) and (3)
- Regulation 6(1)
- Regulation 7(1)
- Regulation 8(1)
- Regulation 9(1), (4), (5), and (6)
- Regulation 10(1)
- Regulation 11(4)
- Regulation 15(1) and (2)
- Regulation 16(1), (11)(e), (12), (16), (17)(a), (17)(c) and (18)
- Regulation 17(6), (8), (12), (13), and (15)
- Regulation 21(1), (4) and (9)
- Regulation 22(3)(c), (4), (4)(c), (4)(g), (4)(h), (6), (7) and (10)
- Regulation 23(6)(f) and (8)
- Regulation 25(2)(b), (5) and (8)
- Regulation 26(2)(b) and (5)(a)
- Regulation 27(1), (2)(b) and (5)
- Regulation 28
- Regulation 30(2)
- Regulation 31(4) and (5)
- Regulation 32(2) and (4)(b)
- Regulation 34(2) and (4)
- Regulation 36(3)
- Regulation 37(7)
- Regulation 38(3)
- Regulation 39(4) and (4)(a)(iii)
- Regulation 40(4)(v), (4)(b), (5)(a)(v), (5)(b), (9)(b), (10)(a)(v) and (10)(b)
- Regulation 42(4)(e)
- Regulation 43(4)(e), (5)(c), (5)(e), (9)(e), (10)(e) and (11)
- Regulation 45(4)(a), (4)(e) and (4)(f)

- Regulation 46(4)(a), (5)(a), 9(4) and (10)(a)
- Regulation 46(4)(b), (4)(f), (5)(b), (5)(f), (9)(b), (9)(f), (10)(b), and (10)(f)
- Regulation 48(1)
- Regulation 52(2) and (4)(a)
- Regulation 54(2)
- Regulation 57(2)(e)
- Regulation 58(1)
- Regulation 60(1)(a)
- Regulation 62(3)(a)
- Regulation 63(2) and (3)
- Regulation 64(1)(b) and (2)(b)
- Regulation 65(2)(b)
- Regulation 66
- Regulation 68(5)
- Regulation 69(2), (3)(a), (4), (5), (8) and (9)
- Regulation 70(1), (2) and (3)(d)
- Regulation 71(1),(2),(3),(4) and (7)
- Regulation 72(1) and (3)
- Regulation 73(1) and (5)
- Regulation 74(1),(4),(7) and (8)
- Regulation 75(1) and (2)
- Regulation 77(2)
- Regulation 79(3)
- Regulation 80(2)
- Regulation 85(2)(a)
- Regulation 86(7)
- Regulation 88(1) and (2)
- Regulation 89(1)
- Regulation 90(2)
- Regulation 91(1)
- Regulation 93(5)(b)
- Regulation 95(2), (4) and (5)
- Regulation 96(1)
- Regulation 97(1)(c), (3) and (4)
- Regulation 98
- Regulation 100(1)
- Regulation 101(2)
- Regulation 102(2)

- Schedule 1 (definitions): active member, administering authority, admission body, AVC, Club Memorandum, Club Transfer, public sector transfer club, deferred payment enhancement, dependent, early payment reduction, earned pension, eligible child, employment, partner, Pensions Regulator (definition deleted), SCAVCs, the Scheme, scheme actuary, Scheme employer, the Scheme employment, statutory pay, tier 1 benefits, tier 2 benefits, and transferred in benefit (definition deleted)
- Paragraph 9(a) of part 2 of schedule 2
- Paragraphs 1, 6, 7 and the table in part 1 of schedule 4
- Part 2 of schedule 4
- Paragraphs 2, 7, and 8 of schedule 5.

Minor technical changes have also been made to the following provisions in the 2014 Transitional Regulations:

- Regulation 1(4)
- Schedule 2.

Useful links

[LGA Pensions page](#)

[LGPS member website \(England and Wales\)](#)

[LGPS member website \(Scotland 2015\)](#)

[LGPS Advisory Board website \(England and Wales\)](#)

[LGPS Advisory Board website \(Scotland\)](#)

[LGPS Regulations and Guidance website \(England and Wales\)](#)

[LGPS Regulations and Guidance website \(Scotland\)](#)

[Public Sector Transfer Club](#)

[Recognised Overseas Pension Schemes](#) that have told HMRC that they meet the conditions to be a ROPS and have asked to be included on the list.

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If you have a technical query, please email query.lgps@local.gov.uk and one of the team's LGPS pension advisers will get back to you.

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Further information

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