

LGPC Bulletin 277

LGPS (Amendment) (Elected Member Pensions) Regulations 2026

Introduction

This bulletin provides a commentary for administering authorities and employers in England on the introduction of English councillors and mayors (referred to as 'elected members') to the LGPS by the [LGPS \(Amendment\) \(Elected Member Pensions\) Regulations 2026](#).

It may also be of interest to administering authorities in Wales, where councillors continue to pay into the LGPS under the 1997 Regulations.

It sets out the differences between elected members and non-elected members in the LGPS, as well as a detailed overview of relevant topics for elected members.

Councillors elected in England, the Mayor of London and members of the London Assembly were previously eligible to join the LGPS. Their eligibility was removed by the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, following the end of the term of office they were serving on 1 April 2014. Under the 2026 EMP Regulations, eligible elected members will once again have access to the LGPS from 11 May 2026, with benefits accruing in the 2014 Career Average Revalued Earnings (CARE) scheme.

We have used shortened titles for the different sets of regulations – see [Appendix A](#) for an explanation.

You can view the policy background in the [consultation documents](#).

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Disclosure requirements

The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 require that prospective members are provided basic scheme information. Where it was not practicable to provide it while a person was a prospective member, it should be provided to them within two months of becoming an active member.

This information will be included in our 'A brief guide to the Local Government Pension Scheme (LGPS) for elected members in England', which will be available on www.lgpsregs.org once published.

LGA resources

Alongside this bulletin, we are publishing the following templates:

- a short introductory leaflet for elected members
- a double-sided promotional leaflet
- an elected member LGPS opt in form.

They are available on the [Employers guides and documents page](http://www.lgpsregs.org) of www.lgpsregs.org.

We recommend that either the promotional leaflet or the introductory leaflet is included with welcome packs for incoming councillors and mayors and targeted communications for existing councillors and mayors. All the templates are provided as word documents to be adapted and printed by employers.

We are preparing a brief guide to the Scheme for elected members. Additionally, we are in the process of updating the member website, the timeline regulations and the technical guides which are impacted by these changes. We will keep you updated on the progress with these in our monthly bulletins.

Changes at a glance

Following the 2026 EMP Regulations coming into force on 11 May 2026, councillors and mayors in England are eligible to join the LGPS.

The 2026 EMP Regulations amend the LGPS Regulations 2013 to include specific provisions for elected members. Schedule 4 of the 2013 Regulations sets out how the Scheme rules are modified for councillors and mayors.

Paragraph 2 of Schedule 4 inserts regulation 2(1D), which provides that eligible elected members are treated as employees of their Scheme employer for the purposes of the Regulations. References to an employee, employer, or related terms are to be construed accordingly.

Subject to these modifications, councillors and mayors are generally subject to the same regulations as other Scheme members, with the following key differences:

- they must opt to join the Scheme - they are not contractually or automatically enrolled
- pensionable pay is defined differently
- they cannot aggregate deferred elected membership with non-elected membership or vice versa
- they cannot flexibly retire
- the rules on immediate payment of pension from age 55 due to redundancy or business efficiency do not apply (because they cannot be made redundant)
- any transfer-in of final salary benefits from a different public service pension scheme will purchase CARE benefits
- any transfer-in of remediable service will not be treated as remediable service in the LGPS and will not receive underpin protection
- their Scheme employer cannot contribute towards additional pension arrangements, except where the arrangement is a 'qualifying additional pension arrangement' (QAPA)
- the Scheme employer cannot contribute to a shared cost AVC (other than a salary sacrifice shared cost AVC)
- the Scheme employer cannot award additional pension or waive early retirement reductions.

Elected members will need to be identified separately on pensions software in order for these differences to be accounted for.

The remainder of this bulletin provides a more detailed explanation of these provisions.

Eligibility

From 11 May 2026, the elected members below will be able to opt in to the LGPS in England provided they are under age 75:

Mayors

- mayors and deputy mayors of combined authorities
- mayors and deputy mayors of combined county authorities
- the Mayor of London
- mayors of single authorities – although access is in their role as a councillor

Councillors

- county and district councils (this includes unitary councils)
- London boroughs
- the Common Council of the City of London
- the Council of the Isles of Scilly
- the London Assembly.

Elected members do not need the consent of their authority to join the LGPS. The exceptions to this are members elected to the London Assembly, the Common Court of the City of London and the Mayor of London – these bodies are required to make a determination for the member to be eligible.

Town and Parish councillors are not eligible for membership. This is because the definition of an eligible councillor only includes those who are included in an allowance scheme under the Local Authorities (Members' Allowances) (England) Regulations 2003. The relevant parts of these regulations do not include town and parish councils.

Allowances paid from other bodies

Councillors and mayors may be appointed to, and receive allowances from, bodies other than the council or authority to which they are elected. This typically arises where the council or authority has statutory responsibilities or partnership arrangements with other bodies and it appoints elected members to sit on their committees or sub-committees. Common examples include Fire and Rescue Authorities and combined authorities.

Where a councillor or mayor receives an allowance that is paid directly by the body to which they are appointed (rather than by the council or authority they are elected to), that body is treated as the Scheme employer for LGPS purposes in relation to that allowance, provided it is an eligible body. The appointing body is therefore responsible for meeting all LGPS employer responsibilities, including the payment of contributions and the provision of required data to the administering authority.

This means elected members will hold **separate pension accounts** for each eligible body that pays them an allowance or salary directly. Eligible bodies include:

- Fire and Rescue Authorities

- Combined Authorities
- Combined County Authorities

Example – a councillor who serves on:

- Huntingdonshire District Council
- Cambridgeshire County Council
- Cambridgeshire and Peterborough Fire and Rescue Authority, and
- the Overview and Scrutiny Committee for Cambridgeshire and Peterborough Combined Authority

will receive allowances paid directly from four separate bodies. As a result, they will have four Scheme employers and four separate pension accounts.

Part 4 of Schedule 2 to the 2013 Regulations specifies the deemed Scheme employer depending on the route through which eligibility is met.

Relevant regulations

- regulations 4 and 5 of the 2026 EMP Regulations
- Part 4 of Schedule 2 to the 2013 Regulations
- regulation 2(1B)(b) of the 2013 Regulations
- Schedule 1 of the 2013 Regulations
- the Local Authorities (Members' Allowances) (England) Regulations 2003.

Joining the Scheme

Eligible elected members wishing to join the LGPS must apply in writing to their employer under regulation 3(6)(a) of the 2013 Regulations. Once an application is received, membership begins on the first day of the next payment period following the application. Membership cannot be backdated.

Contractual enrolment and automatic enrolment (including automatic re-enrolment) do not apply to elected members.

The earliest date that an eligible elected member can apply to join is 11 May 2026.

Points to note

As an elected member can receive allowances from more than one eligible body, they may join the Scheme in respect of each of those bodies. They must therefore make a separate written application to join the Scheme for each body that pays them an allowance.

There is no prescribed form that a written application must take. However, Scheme employers may wish to use an opt-in form to ensure all the necessary information is collected. A template opt-in form is available on the Employer resources page of www.lgpsregs.org.

Relevant regulations

- regulation 6 of the 2026 EMP Regulations
- paragraph 3 of Schedule 4 to the 2013 Regulations
- regulation 3(6)(a) of the 2013 Regulations.

Contributions

An elected member's employee contribution rate is set and reviewed in the same way as for other Scheme members, based on annual pensionable pay. However, pensionable pay is defined differently for elected members.

Similarly, the employer contribution rate is the same for elected members as it is for non-elected members employed by that Scheme employer.

MHCLG has confirmed there should be no need for your actuary to certify a separate rate for elected members or produce a new rates and adjustments certificate. A new employer contribution rate would only be expected where the number of elected members joining the Scheme is likely to result in a significant change in liabilities, which is unlikely to be the case.

Relevant regulations

- regulations 9 and 67 of the 2013 Regulations.

Pensionable pay

Elected members are not paid a salary or wage in the usual employment sense as they are office holders, rather than employees. Instead, they receive allowances and, in the case of certain elected mayors who have executive powers, a salary determined under their authority's remuneration scheme.

The 2013 Regulations use a separate definition of pensionable pay for elected members, as set out in Schedule 4.

For elected members, pensionable pay is the total of the following amounts paid under the authority's approved remuneration scheme:

- basic allowances

- special responsibility allowances
- relevant allowances
- any salary paid (where applicable).

‘Relevant allowance’ means an allowance paid under a combined authority establishment order or combined county authority establishment regulations except travel and subsistence allowances. Travel and subsistence allowances are not pensionable.

The remuneration scheme must be established under one of the following:

- the Local Authorities (Members’ Allowances) (England) Regulations 2003
- the Greater London Authority Act 1999
- a Combined Authority establishment order,
- Combined County Authority establishment regulations, or
- a remuneration arrangement for members of the Common Council of the City of London.

Salary sacrifice

Where an elected member takes part in a salary-sacrifice shared cost AVC arrangement, their pensionable pay must be based on the pay they would have received had they not entered into the salary-sacrifice arrangement. This means the sacrificed amount is automatically added back when calculating pensionable pay for LGPS purposes. The employer does not need to specify the sacrificed amount as being a pensionable emolument.

Relevant regulations

- paragraph 7 of Schedule 4 to the 2013 Regulations
- regulation 20 of the 2013 Regulations.

Assumed pensionable pay

Assumed pensionable pay (APP) applies to elected members in broadly the same way as it does to non-elected members. Schedule 4 to the 2013 Regulations makes several modifications to ensure the APP provisions operate correctly for elected members. The effect is to preserve the same member protection while reflecting the nature of elected office.

APP applies when elected members are unable to carry out the full responsibilities of their office due to sickness or injury, and they receive reduced or no pensionable pay.

It also applies whilst an elected member is on reserve forces leave if they elect to remain a member of the LGPS. For more information on how APP works when a member takes reserve forces leave, see the HR guide on the [Employer resources page](#) of www.lgpsregs.org

Child related leave does not apply to elected members as they are not employees.

The elected member pays contributions on any pensionable pay received during a period of absence when APP applies. The employer pays contributions on the amount of APP.

Technical issue

The modification to regulation 21 of the 2013 Regulations (assumed pensionable pay) only refers to APP applying during a period of sickness absence where the elected member is in receipt of reduced or no allowances. It does not explicitly mention a reduction in salary.

However, modified regulation 67(4)(b) provides that employer contributions are payable on APP where an elected member is in receipt of reduced or no pensionable pay.

We understand the policy intention is for APP to apply equally where an elected member is also in receipt of reduced or no salary. We have raised this point with MHCLG.

Calculating APP

We understand that whilst most allowances are paid monthly, some are paid quarterly or irregularly. When calculating APP, any payments that do not relate to the three complete months before:

- the period of reduced or no pensionable pay due to sickness, or
- the member commenced reserve forces leave

should be treated as a non-regular lump sum and removed from the calculation. Any regular lump sum payments in the preceding 12 months are added back into the APP figure.

As with non-elected members, if the pay the member received in the three month period is materially lower than the pay they would normally receive, the employer has a discretion to use a higher pay in the APP calculation. The employer must have regard to the pensionable pay the member received over the previous 12 months when determining what the normal level of pensionable pay is.

Technical issue - APP and ill health enhancement

APP is used to calculate the ill health enhancement where a member is awarded a Tier 1 or 2 ill health pension.

For non-elected members, if an Independent Registered Medical Practitioner (IRMP) certifies that the member worked reduced contractual hours during the relevant three month (or 12 week) pay periods wholly or partly as a result of the condition that caused or contributed to the ill health retirement or death, APP must be calculated on the pay the member would have received had their contractual hours not been reduced.

MHCLG has confirmed the policy intention is for a modified version of this protection to apply to elected members.

Regulation 39 of the 2013 Regulations (calculation of ill health pension amounts) is modified to provide that when calculating APP for the purposes of working out ill health enhancements, no account is to be taken of any reduction in pensionable pay where an IRMP certifies that the elected member has reduced responsibilities wholly or partly due to the condition that caused or contributed to the ill health retirement.

However, Schedule 4 omits regulation 36(1)(c) for elected members. This regulation would normally require a Scheme employer to obtain an IRMP certificate confirming whether a reduction in contractual hours and pay was caused by the same condition as the member's ill health retirement.

We believe this is a mistake in the regulations. Where a Scheme employer is already obtaining an IRMP certificate to assess eligibility for ill health retirement, they should also request confirmation of whether any reduction in responsibilities was wholly or partly due to the same condition. This enables APP to be calculated consistently and in line with the intent of the regulations.

APP and death in service benefits

APP is also used to calculate an active death grant and the ill health enhancement used in the calculation of survivor pensions.

For non-elected members, regulations 40, 41 and 42 of the 2013 Regulations provide that, where an IRMP certifies that a member was in part-time service at the date of their death wholly or partly because of the condition that caused or contributed to their death, any resulting reduction in pensionable pay due to the reduction in hours should be ignored in the calculation of APP.

MHCLG has confirmed the policy intention is for this protection to also apply in respect of elected members. In its view, the insertion of paragraph (1D) to regulation 2 of the 2013 Regulations provides this for this outcome. Regulation 2(1D) provides that eligible elected members are treated as employees of their Scheme employer for the purposes of the Regulations, and references to an employee, employer, or related terms are to be construed accordingly.

Relevant regulations

- paragraphs 8, 14 and 15 of Schedule 4 to the 2013 Regulations
- regulation 21, 35, 36, 39, 40, 41, 42 and 67 of the 2013 Regulations.

50/50 Section

Elected members have the same ability to pay reduced contributions by opting to move to the 50/50 section of the Scheme.

Points to note

Members in the 50/50 section are automatically moved back into the main section of the Scheme from the beginning of the first pay period following:

- the employer's automatic re-enrolment date, or
- going on to no pay due to sickness or injury, provided the member remains on no pay at the start of that pay period.

For this purpose, the employer's automatic re-enrolment date is used solely as a reference date for moving members from the 50/50 section back to the main section of the Scheme. It does not operate as an automatic enrolment exercise and is not conditional on a member meeting the definition of an eligible jobholder. All members in the 50/50 section, including elected members are moved back to the main section at that point, regardless of their age, earnings, or employment status.

This approach reflects the fact that the 50/50 section is itself a qualifying scheme for automatic enrolment purposes.

For clarity, regulation 10(5) is ambiguously worded as members do not have an automatic re-enrolment date; employers do.

This interpretation is supported by MHCLG.

Relevant regulations

- regulation 10 of the 2013 Regulations

- definition of ‘automatic re-enrolment date’ in Schedule 1 to the 2013 Regulations

Additional Pension Contributions (APCs)

Elected members can buy additional pension and buy back lost pension by paying additional pension contributions (APCs).

However, Schedule 4 to the 2013 Regulations omits regulation 16(2)(e) and 16(4)(d) for elected members, except where they relate to qualifying additional pension arrangements (QAPAs).

This means a Scheme employer:

- cannot contribute to an elected member’s APC contract to buy additional pension
- must contribute to an elected member’s APC to buy back lost pension where it meets the conditions for a QAPA. If the absence in respect of the QAPA lasts for more than 36 months, the employer must contribute for the first 36 months and may contribute for the remaining period. See [bulletin 276](#) for more details on QAPAs.

Relevant regulations

- paragraph 4 of Schedule 4 to the 2013 Regulations
- regulation 16 (APCs) and 16A (QAPAs) of the 2013 Regulations.

AVCs

Elected members can pay AVCs.

However, they can only enter into a shared cost additional voluntary contribution arrangement (SCAVC) where it is a salary sacrifice SCAVC.

The amount that an employer can contribute towards a salary sacrifice SCAVC in any period is limited to the amount of pensionable pay sacrificed in that period.

‘Period’ means such interval as used by the Scheme employer for the calculation and payment of contributions to the salary sacrifice SCAVC arrangement.

Accordingly, the employer cannot pay any additional amount to the salary sacrifice SCAVC in a period over and above the pensionable pay sacrificed in that period.

The employer therefore cannot contribute anything extra to the member’s AVC.

As elected members do not qualify for national minimum wage under the National Minimum Wage Act 1998, there is no requirement to ensure their salary sacrifice arrangement doesn't reduce their remuneration below that.

Relevant regulations

- paragraph 5 of Schedule 4 to the 2013 Regulations
- regulation 17 of the 2013 Regulations.

Aggregation

For elected members, the aggregation rules are mostly the same as for non-elected members, with one exception. Where the elected member would normally have the option to aggregate a previous deferred benefit, aggregation is only allowed if both records are elected membership.

Cross-category aggregation (elected with non-elected, or vice versa) is not permitted, unless specifically stated otherwise below.

Previous 2014 Scheme membership – left with a deferred benefit

Where an active elected member previously left the 2014 Scheme with a deferred benefit:

- they may choose to aggregate only if the earlier membership was also as an elected member
- if aggregation is possible, it is automatic unless the member elects within 12 months of rejoining (or a longer period if the employer allows) to keep the two periods separate
- elected membership in different LGPS funds can be aggregated with each other
- the rule that prevents aggregation where the member opted out after 10 April 2015 applies equally to two periods of elected membership and two periods of non-elected membership.

Previous 2014 Scheme membership – left with a deferred refund

If a 2014 Scheme member (elected or non-elected) previously left with a deferred refund, the two periods must be aggregated. It does not matter whether the earlier membership was elected or non-elected.

Previous earlier Scheme membership – left with a deferred refund

Where the deferred refund relates to membership that ended before 1 April 2014, the transfer value will buy a CARE transfer-in credit in the active CARE account.

Where the deferred refund relates to non-elected membership that began before 1 April 2014 and ended on or after that date, it is not clear whether regulation 10(2) of the 2014 Transitional Regulations will apply. This provides that the membership before 1 April 2014 is retained as a final salary benefit where there is no disqualifying break.

Under the current rules, an unpaid deferred refund must be paid after five years, it can no longer be aggregated. As a result, in most, if not all, cases more than five years will have passed since the member left their earlier non-elected membership. This means the deferred refund will either already have been paid or will no longer be capable of aggregation when the individual joins the Scheme as an elected member.

The Access and Fairness consultation proposed removing the requirement to pay unpaid refunds at the end of the five year period, but it is unclear whether this will apply only to cases where the five year period expires after the new regulations take effect or if they will apply to all unpaid refunds.

Concurrent pension accounts

If an elected member holds two active pension accounts and the individual ceases holding office or employment in one:

- if the ceased role ends with an entitlement to a deferred benefit, the member has a choice to aggregate, but aggregation is only allowed where elected membership is combined with elected membership.
- if the ceased role ends without an entitlement to a deferred benefit, the member must aggregate, irrespective of whether the membership was elected or non-elected.

Previous 1998 deferred councillor membership – left with a deferred benefit

Where an elected member in England has a deferred benefit in respect of councillor membership from the 1998 councillor scheme (including in Wales):

- they may aggregate this under regulation 10(6) of the 2014 Transitional Regulations
- aggregation can take place even where memberships are in different LGPS funds
- the member must make the election within 12 months of joining the 2014 Scheme as an elected member (or a longer period if the employer allows).
- on aggregation, the transfer value buys a CARE transfer-in credit in the active CARE account.

- a deferred benefit in respect of councillor membership from the 1998 Scheme cannot be aggregated with non-elected membership in the 2014 Scheme.

Previous 2014 Scheme membership as an elected member, left with deferred benefits and rejoins LGPS as a councillor in Wales

Where a member left the 2014 Scheme as an elected member with deferred benefits, and later rejoins the LGPS as a councillor in Wales, the deferred benefit cannot be aggregated with the active Welsh councillor membership.

Quick reference table

See [Appendix B](#) for a summary table of the aggregation options.

Mixed membership type

Because deferred refunds of elected membership can be aggregated with active non-elected membership, and vice versa, a pension account may contain service built up as both an elected and a non-elected member.

For aggregation purposes, our view is that the pension account is treated as the type of the ongoing membership.

For example,

- an individual is an elected member of the Scheme for 6 months and then leaves office. The pension account is now held as a deferred refund of elected membership.
- The individual joins the Scheme as an employee of the council.
- The two accounts must be aggregated.
- The individual leaves employment after 5 years with a deferred benefit.
- The individual is subsequently elected as a councillor and opts to rejoin the Scheme.

The individual cannot aggregate their deferred pension account with their ongoing active pension account. The active pension account is elected membership, and the deferred pension account is considered non-elected membership, even though it includes service which was accrued while an elected member.

The same principle applies in reverse. If non-elected membership is aggregated into elected membership, it is treated as elected membership for future aggregation decisions.

Mayor of London and members of the London Assembly

Before 1 April 2014, the Mayor of London and members of the London Assembly were eligible for LGPS membership and were treated as standard (non-councillor) members.

Eligibility ended at the close of the term of office held on 1 April 2014 (or age 75, if earlier).

The Mayor of London and members of the London Assembly are potentially eligible again from 11 May 2026. This time they are treated in the same way for LGPS purposes as councillors (elected members).

For aggregation purposes deferred membership held as Mayor of London or a London Assembly member before eligibility was removed is treated as non-elected membership / non-councillor membership:

- it cannot be aggregated with elected membership in England or councillor membership in Wales.
- it may be aggregated with non-elected membership in England.

Relevant regulations

- paragraph 9 of Schedule 4 to the 2013 Regulations
- regulation 22 of the 2013 Regulations
- regulation 10 of the 2014 Transitional Regulations
- regulations 32 of, and paragraph 13 of schedule 8 to, the 1997 Regulations.

Retirement

Elected members have broadly the same retirement options as other members, but with specific modifications because they are office holders rather than employees.

Redundancy and business efficiency

Elected members cannot be dismissed by reason of redundancy or business efficiency, as these employment concepts do not apply to office holders. For elected members, regulation 30(7) of the 2013 Regulations (right to immediate payment of pension following redundancy / business efficiency aged 55 plus) is therefore omitted.

Flexible retirement

Elected members cannot reduce their hours or grade, as they do not work under a contract of employment. For elected members, regulation 30(6) of the 2013 Regulations is omitted removing the option to take flexible retirement.

Ill health retirement

Except for the differences surrounding APP, as explained in the [APP section](#), ill health retirement applies equally to elected members.

MHCLG has confirmed the references in the ill health rules to ceasing an employment are to be read, for elected members, as ceasing to hold office. This is provided for by the insertion of paragraph (1D) in regulation 2 of the 2013 Regulations for elected members.

Technical issue

In our view, regulation 35 needs to be further modified to remove the requirement for the employer to terminate an employment for an ill health pension to be awarded to an elected member. We have raised this with MHCLG

Deferred benefits

Elected members can take their deferred benefits in the same way as other members.

Our view is that an elected member cannot draw their deferred benefits while in the same office that they accrued the deferred benefits. This means that if an elected member opts out of the Scheme, they cannot draw their deferred benefits until after they stop holding that office.

Employer waiving reductions

Scheme employers are generally not allowed to contribute to additional pension arrangements for elected members. Similarly, Scheme employers cannot agree to waive actuarial reductions where an elected member retires early. As a result, regulation 30(8) is omitted for elected members by Schedule 4 to the 2013 Regulations.

Relevant regulations

- paragraphs 10, 11 and 12 of Schedule 4 to the 2013 Regulations
- regulations 30 and 35 of the 2013 Regulations.

Award of additional pension

Schedule 4 to the 2013 Regulations omits regulation 31 for elected members. Therefore, a Scheme employer cannot award additional pension to an elected member.

Relevant regulations

- paragraph 13 of Schedule 4 to the 2013 Regulations

- regulation 31 of the 2013 Regulations.

Transfers

In most cases, elected members can transfer benefits into and out of the LGPS in the same way as non-elected members. However, there are two major differences that affect how transferred-in service is treated for benefit purposes.

GAD has confirmed that they are considering changes to the 'Transfers – individual incoming and outgoing' guidance note for elected members.

Final salary transfers in

The 2026 EMP Regulations amend regulation 9 of the 2014 Transitional Regulations so that elected members cannot acquire final salary benefits through a transfer-in.

Where an elected member makes an election for transfer in that would otherwise have bought final salary benefits, the transfer instead buys CARE benefits in the 2014 Scheme.

In practice, this means that all transfers in for elected members buy CARE benefits, regardless of the type of benefits transferred.

Remediable service

Regulation 9 is also amended so that an elected member who transfers in remediable service will not be protected by the underpin. This applies regardless of whether the member has had a disqualifying break.

The regulations do not make it clear how the transferred in remediable service should be treated if the elected member subsequently transfers out to another public service pension scheme. We have raised this issue with MHCLG and will provide an update when we have more information.

Club transfers

It is currently unclear whether elected members are eligible for Club transfers.

Section 2.6 of the Club Memorandum states that Club transfer arrangements apply only where an employee voluntarily leaves employment covered by one Club scheme and takes up separate employment covered by another Club scheme. Although elected members are treated as employees for the purposes of the LGPS Regulations, it is unclear whether this treatment extends to the Club Memorandum.

If elected members are confirmed as eligible for Club transfers, amendments to the Club Memorandum may be required. For example, amendments may be needed:

- to disapply the outer Club transfer rules to transfers into the LGPS for elected members, as the LGPS Regulations do not permit transfers-in to purchase final salary benefits; and
- to set out how inner Club transfers should be treated where the member has McCloud protection, given that LGPS transfers-in for elected members cannot receive underpin protection.

We have asked MHCLG for clarification and will update administering authorities when further information is available.

Relevant regulations

- regulation 9 of the 2014 Transitional Regulations as amended by the 2026 EMP Regulations
- regulation 96, 97, 100 and 101 of the 2013 Regulations.

McCloud provisions

In most cases, elected members will not have underpin protection. This is because elected membership will not fall within the underpin period (1 April 2014 to 31 March 2022).

Elected members also cannot usually gain underpin protection through:

- transfers-in that would otherwise be treated as remediable service (see [previous section on transfers](#)), and
- electing to aggregate non-elected membership with elected membership (see [previous section on aggregation](#)).

When underpin protections may apply

There is a limited scenario in which underpin protection could apply to a CARE account for elected membership. This is expected to be rare.

An elected member could have underpin protection for CARE account for their elected membership where:

- the individual has a deferred refund CARE account from a period of non-elected membership that includes service in the underpin period
- the deferred refund CARE account would have underpin protection had the member left with deferred benefits, and

- the deferred refund CARE account is aggregated to a CARE account for elected membership.

For example,

- John was in the Civil Service Pension Scheme (CSPS) from 2005 until 2014.
- He joined the LGPS on 1 December 2018 and left on 30 November 2019 with a deferred refund account. His CSPS benefits were not transferred in.
- John rejoined the LGPS on 1 January 2023. His previous benefits in the LGPS were automatically aggregated with his new account. He left again on 31 May 2023, still without deferred benefits.
- John is elected to his local council in May 2026 and opts to join the LGPS. His deferred refund CARE account is automatically aggregated to his active CARE account for his elected membership.
- After four years in office, John left both office and the LGPS. This time he qualifies for deferred benefits.

In this example, John's service from 1 December 2018 until 30 November 2019 qualifies for underpin protection. For information on the conditions to qualify for underpin protection, see section 2 of our McCloud administrator guide, which is available on the [Administrator guides and documents](https://www.lgpsregs.org/Administrator-guides-and-documents) page of www.lgpsregs.org.

To work out any provisional underpin amount, administering authorities must calculate what benefits the member would have built up under the 2008 Scheme, rather than the 2014 Scheme. As part of this, they must calculate the final pay in accordance with regulations 8 to 11 of the 2007 BMC Regulations. However, it is unclear how to do so for elected members. We have raised this issue with MHCLG.

Whether elected membership counts for determining underpin protection for non-elected membership

Although a CARE account for elected membership is unlikely to have underpin protection itself, elected membership still counts as active membership for the purposes of testing the underpin conditions.

In particular, elected membership must be taken into account when applying step 4 of the underpin conditions, which considers whether there has been a break of more than five years in active membership of a public service pension scheme. For further detail, see section 2 of the McCloud administrator guide, which is available on the [Administrator guides and documents](https://www.lgpsregs.org/Administrator-guides-and-documents) page of www.lgpsregs.org.

Example

- Aisha joined the LGPS on 1 April 2010.

- She left on 31 March 2023 with deferred benefits (Membership 1). These benefits have underpin protection for the period 1 April 2014 to 31 March 2022.
- On 1 July 2026, she rejoined the LGPS as an elected member in England. She left in May 2030 with deferred benefits (Membership 2). Membership 1 could not be aggregated with Membership 2.
- On 1 January 2031, she rejoined the LGPS in non-elected employment (Membership 3). She aggregated Membership 1 with Membership 3. Membership 2 could not be aggregated.

When deciding whether the service from 1 April 2014 to 31 March 2022 retains underpin protection after aggregation to Membership 3, the authority must consider whether there was a continuous break of more than five years in active membership of any public service pension scheme between 1 April 2023 and 31 December 2030. Because of Aisha's elected membership during this period (Membership 2), there was no continuous break of more than five years. As a result, the service from 1 April 2014 to 31 March 2022 retains underpin protection after aggregation to Membership 3.

Relevant regulations

- regulation 9(2B) of the 2014 Transitional Regulations
- Section 77 of the Public Service Pensions and Judicial Offices Act 2022

Breaks in service on re-election

Councillors and mayors are generally sworn in on the same day as their predecessors retire, four days after the day of the election.

Regulation 5(1) of the 2013 Regulations provides that a person stops being an active member in respect of an employment when they cease to be eligible for the Scheme through that employment. However, in our view, where a member is re-elected and the Scheme employer remains unchanged, membership should be treated as continuous.

We are checking this interpretation with MHCLG and will provide an update once the policy intention is confirmed.

We expect a similar approach to apply where an elected member serves on a committee or sub-committee of a combined authority (CA) or combined county authority (CCA), or when the elected member is a member of a fire and rescue authority. Councillors serving on these bodies are not directly elected but are appointed to them by their constituent council.

In all cases, where there is a genuine calendar gap in membership a new pension account should be created and the normal provisions would then apply, including additional contribution contracts ending, aggregation of pension accounts and options to transfer benefits into the Scheme.

Relevant regulations

- regulations 2(1D) and 5(1) of, and paragraph 2 of Schedule 4 to, the 2013 Regulations
- section 7 of the Local Government Act 1972
- Schedule 2 to the Local Government Act 1972 – London borough councillors
- section 2 Greater London Authority Act 1999 – Mayor of London and London Assembly members
- regulation 6 of the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2001 – council mayors.

Appendix A – Definitions and shorthand

Definitions

- ‘Eligible councillor’ has the same definition as in Schedule 1 to the 2013 Regulations as amended by the 2026 EMP Regulations.
- ‘Eligible mayor’ has the same definition as in Schedule 1 to the 2013 Regulations as amended by the 2026 EMP Regulations.
- ‘Elected members’ has the same definition as in Schedule 1 to the 2013 Regulations as amended by the 2026 EMP Regulations. An elected member means a person who is eligible to be a member of the Scheme because they are either an eligible councillor or eligible mayor.
- ‘Elected membership’ has the same definition as in Schedule 1 to the 2013 Regulations as amended by the 2026 EMP Regulations. Elected membership is any membership of the Scheme held in respect of the member’s service as an eligible councillor or mayor.
- 2014 Scheme is the current LGPS operating under the 2013 Regulations.
- 2008 Scheme is the previous scheme that operated under the 2007 BMC Regulations and 2008 Admin Regulations from 1 April 2008 until 31 March 2014.
- 1998 Scheme is the previous scheme that operated under the 1997 Regulations from 1 April 1998 until 31 March 2008.

Shorthand

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

- LGPS Regulations 2013 – **2013 Regulations**
- LGPS (Transitional Provisions and Savings) Regulations 2014 – **2014 Transitional Regulations**
- LGPS (Miscellaneous Amendments) (Member Benefits) Regulations 2026 – **2026 Amendment Regulations**
- LGPS (Amendment) (Elected Member Pensions) Regulations 2026 – **2026 EMP Regulations**
- LGPS (Benefits, Membership and Contributions) Regulations 2007 – **2007 BMC Regulations**
- LGPS (Administration) Regulations 2008 – **2008 Admin Regulations**
- LGPS Regulations 1997 – **1997 Regulations**

Appendix B – Table of aggregation options

Previous membership	Previous membership type	Active membership type	Aggregation possible?
Deferred benefit 2014 scheme	Elected	Elected	Yes
Deferred benefit 2014 scheme	Elected	Non-elected	No
Deferred benefit 2014 scheme	Elected	Councillor in Wales	No
Deferred benefit 2014 scheme	Non-elected	Elected or Councillor in Wales	No
Deferred benefit 2014 scheme	Non-elected	Non-elected	Yes
Deferred refund	Either elected or non-elected	Either elected or non-elected	Yes
Deferred benefit 2008 scheme	Non-elected	Elected	No
Deferred benefits 2008 scheme	Non-elected	Non-elected	Yes
Deferred benefits 1998 scheme	Councillor (including councillors in Wales)	Elected	Yes
Deferred benefits 1998 scheme	Councillor in Wales	Councillor in Wales	Yes, but only within the same admin authority.
Deferred benefits 1998 scheme	Councillor (including councillors in Wales)	Non-elected	No
Deferred benefits 1998 scheme	Non-councillor	Elected	No
Deferred benefits 1998 scheme	Non-councillor	Non-elected	Yes

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