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# L G P S administrator guide to:

# Abolition of the L T A

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## About this guide

This guide is to help L G P S administering authorities in England, Scotland and Wales implement the changes brought about by the abolition of the lifetime allowance (L T A).

All references to ‘you’ within the text mean ‘the L G P S administering authority’. All references to the ‘L G P S’ should be read as references to the L G P S in England and Wales or the L G P S in Scotland, in isolation. Where this approach does not apply it is indicated in the text.

We thank Aon Solutions Ltd for their input to the guide.

## The legislation

The Finance (No.2) Act 2023 removed the L T A charge for the tax year 2023/24.

[The Finance Act 2024](https://www.legislation.gov.uk/ukpga/2024/3/contents/enacted) abolishes the L T A in full.

The lump sum rules remain in the Finance Act 2004; however, the tax provisions are now contained within the Income Tax (Earnings and Pensions) Act 2003. New chapter 15A contains sub sections 637A to 637S – these define the new lump sum allowances and how any excess is taxed.

The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024 take effect from 6 April 2024. They amend the Finance Act 2024 in multiple areas where it did not deliver policy intent.

## Changes in brief

This section provides a short summary of the main changes. As with the L T A, most members will not be impacted by the new lump sum limits.

From 6 April 2024:

* the [lifetime allowance](#_Primary_Protection) (L T A) is fully abolished
* there is no longer a specific limit on the pension savings an individual can build up in their lifetime
* two new lump sum allowances are introduced: [lump sum allowance](#_Lump_Sum_Allowance_1) (L S A) and [lump sum and death benefit allowance](#_The_Lump_Sum) (L S D B A)
* these lump allowances continue to restrict the payment of tax-free cash
* lump sums paid in excess of the L S A and L S D B A are taxed at the individual’s marginal rate (instead of at 55 per cent which applied under the L T A regime)
* all annual pension is taxed at the individual’s marginal rate
* [L T A protections](#_Members_with_LTA) increase the standard L S A and L S D B A
* [pension commencement excess lump sums](#_Paying_a_PCELS) (P C E L S) replace [lifetime allowance excess lump sums](#_Lifetime_Allowance_Excess_1) (L T A E L S)
* a new [overseas transfer allowance](#_Paying_a_Q) (O T A) for transfers to a [qualifying recognised overseas pension scheme](#_Serious_ill-health_lump) (Q R O P S) is introduced
* [relevant benefit crystallisation events](#_Relevant_Benefits_Crystallisation) (R B C E) replace [benefit crystallisation events](#_Enhanced_Protection) (B C E)
* transitional arrangements take account of benefits paid before 6 April 2024 – they broadly assume the member has taken 25 per cent of their L T A as a lump sum
* members can apply for a [transitional tax-free amount certificate](#_Transitional_tax-free_amount) (TTFAC) if they have taken less than 25 per cent of their L T A as tax-free lump sum
* [R B C E statements](#_Issuing_R_B) replace [B C E](#_Enhanced_Protection) statements – you report the L S A and L S D B A used a monetary value
* R B C E statements continue beyond age 75
* there are changes to [paying tax charges and reporting requirements](#_Paying_tax_on)
* there is a new reporting [event 24](#_New_event_24).

## Background to tax changes

### Before 6 April 2006

Various tax regimes applied to pension schemes depending on the type of scheme. These regimes included an earnings cap restricting the amount of salary on which pension contributions could be deducted, limits to the amount of pension contributions that could be paid (generally 15 per cent of pensionable pay) and limits on the amount of membership that could be built up.

### 6 April 2006 to 5 April 2023

A new pensions tax regime was introduced from 6 April 2006 - A-day. The lifetime allowance (L T A) was introduced as part of these reforms.

The L T A was the total amount an individual could build up in pension savings without having to pay a tax charge. Initially the L T A was £1.5 million. It reached a peak of £1.8 million in the 2011/12 tax year. It was then reduced in 2012, 2014 and 2016, when it reached its lowest level of £1,000,000. From 2018 it increased in line with inflation before being frozen at £1,073,100 from the 2020/21 tax year.

The test against a member’s L T A was carried out when a Benefit Crystallisation Event (B C E) occurred. In the L G P S, [B C Es](#_Enhanced_Protection) generally took place when a member took payment of their benefits or transferred to a [Qualifying Overseas Recognised Pension Scheme](#_Serious_ill-health_lump) (QROPS). A B C E also occurred where an authorised death benefit lump sum was paid or a member reached age 75 and had not taken their benefits.

A list of [B C Es](#_Enhanced_Protection) and their relevance in the L G P S, before and after 5 April 2024, is included in the [Glossary](#_Dictionary).

If an individual’s pension savings exceeded the L T A, a tax charge was payable. The tax charge was 25 per cent on excess pensions and 55 per cent on excess lump sums.

Each time the L T A was reduced, members were able to apply to HMRC for an LTA protection.

From 6 April 2024, L T A protections can be used to protect an increased amount of tax-free lump sum by increasing the values of the member’s available [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum).

### 6 April 2023 to 5 April 2024

L T A charges were removed for any B C Es taking place in the 2023/24 tax year. Marginal rate income tax applied to all pension and lump sum payments that formerly attracted L T A charges. Although you were required to continue to operate L T A checks there was no requirement to report L T A charges on the A F T return.

## From 6 April 2024

### Summary

From 6 April 2024, the [L T A](#_Primary_Protection) is abolished. There is no longer a specific limit on how much pension savings an individual can build up in their lifetime.

Annual pension is taxed at the member’s marginal rate and two new lump sum allowances are introduced. The new allowances are only used up by the payment of relevant tax-free lump sums, not pensions. This is a change from the previous practice under the L T A, where both pensions and lump sums were assessed.

[B C Es](#_Enhanced_Protection) are removed, other than when they are needed for annual allowance purposes ie where annual allowance legislation refers to including benefits at a B C E in the closing balance calculation.

B C Es are replaced by Relevant Benefit Crystallisation Events (R B C Es). An R B C E takes place when a relevant lump sum is paid and a check against the new lump sum allowances is performed.

The testing of uncrystallised benefits at age 75 is abolished from 6 April 2024. In the L G P S benefits must be paid by age 75. Previously, where it was not possible to do this (eg because you could not trace the member), you were required to carry out a B C E 5 check at age 75. From 6 April 2024, an R B C E will occur at the date the member has an [actual entitlement](#_When_to_assess) to a relevant lump sum.

### **Lump Sum Allowance (L S A)**

The L S A is set at £268,275. It limits the amount of tax-free cash an individual can take. The L S A is used up when a member takes payment of the following relevant lump sums:

* a [pension commencement lump sum](#_C_T_S:) (P C L S)
* an [uncrystallised funds pension lump sum](#_Paying_an_U) (U F P L S)
* a [stand-alone lump sum](#_Stand-alone_lump_sums) (SALS).

An U F P L S can only be paid by L G P S Scotland. SALSs are not payable from the L G P S.

It is only the tax-free element of an U F P L S that reduces the L S A. Where a SALS is paid under condition C, the L S A is reduced by 25 per cent of the SALS. For all other SALSs, the L S A is reduced by the tax-free element of the SALS.

There is no provision within the legislation for the L S A to increase with inflation.

### The Lump Sum and Death Benefit Allowance (LSDBA)

The L S D B A is set at £1,073,100. It limits the amount of tax-free cash that can be taken by an individual and paid in respect of them when they die.

L S D B A is used up by the following relevant lump sums:

* a [pension commencement lump sum](#_Paying_a_P)
* an [uncrystallised funds pension lump sum](#_Paying_an_U)
* a [stand-alone lump sum](#_Stand-alone_lump_sum) (SALS)
* a [serious ill health lump sum](#_Paying_a_SIHLS) (under 75)
* a relevant [lump sum death benefit](#_Paying_lump_sum).

It is only the tax-free elements of U F P L Ss and SALSs that reduce the L S D B A.

A relevant lump sum death benefit does not include a lump sum death benefit paid in respect of rights that were crystallised before 6 April 2024. These lump sums do not reduce a member’s L S D B A.

There is no provision within the legislation for the L S D B A to increase with inflation.

### Relevant Benefits Crystallisation Events (RBCE)

Relevant lump sums are tested against the [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) at an R B C E.

An R B C E can only occur from 6 April 2024. Tax-free lump sums paid at an R B C E that are within the L S A and L S D B A will reduce the amount available of that allowance at any future R B C E.

Lump sums paid in excess of the L S A and L S D B A are taxed at the individual’s or beneficiary’s marginal rate.

Where the member has more than one R B C E on the same day, they must decide what order they are taking their benefits in and inform both scheme administrators. This works in the same way as under the L T A regime where a member had more than one B C E on the same day.

An R B C E is defined in section 637 of the Income Tax (Earnings and Pensions) Act 2003.

## Availability of the L S A and L S D B A

### Summary

From 6 April 2024 when you pay a relevant lump sum, you need to check it fits within the member’s available [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum).

To do this you need to ask members if they have crystallised any pension benefits previously. We have prepared a ‘Previous pension benefits declaration form’ to help you obtain this information from members.

If a member fails to provide the information, HMRC’s [Pensions Tax Manual (PTM)](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm170001) states that you must assume the individual has no lump sum allowances available.

The standard L S A and L S D B A may be increased if the member holds a valid L T A protection or has a valid L T A enhancement factor. See [members with LTA protections](#_Members_with_LTA).

From 6 April 2024, relevant lump sums paid at an [R B C E](#_Relevant_Benefits_Crystallisation) reduce the amount of L S A and L S D B A available for future R B C Es.

If a member has had a [B C E](#_Enhanced_Protection) or taken a [pre-commencement pension](#_Pre-commencement_pension), transitional rules apply. The transitional rules also reduce the amount of L S A and L S D B A available.

If a member is entitled to a lump sum before 6 April 2024, but payment is not made until after that date, it is also subject to the transitional rules. Lump sums are assessed on the date the member has an actual entitlement - see [when to assess a P C L S](#_When_to_assess).

### B C Es - 6 April 2006 to 5 April 2024

If a member has had one or more [B C Es](#_Enhanced_Protection), these events must be reflected when calculating their available [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum). The standard transitional calculations are:

* the available L S A is reduced by 25 per cent of [L T A](#_Primary_Protection) previously used
* the available L S D B A is reduced by the appropriate percentage which is:
* 100 per cent of the LTA used in respect of [S I H L S](#_Paying_a_SIHLS) paid under age 75 and relevant [lump sum death benefits](#_Paying_lump_sum)
* otherwise, 25 per cent of the L T A previously used.

If a member has taken less than 25 per cent of their L T A as tax-free lump sums previously, they may wish to apply for a transitional tax-free amount certificate. The certificate will set out the total of the relevant sums the member was entitled to before 6 April 2024. See [Transitional tax-free amount certificates](#_Transitional_tax-free_amount) for more information.

### Pre-commencement pensions in payment before 6 April 2006

A pre-commencement pension is a pension that was in payment before 6 April 2006.

Members with pensions in payment before 6 April 2006 will also have a reduction to the standard [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum). The standard transitional calculation reduces the L S A and L S D B A by 25 per cent of the [capital value](#_Capital_value).

* capital value = P × 25

Where P is the annual pension at the date of the [R B C E](#_Relevant_Benefits_Crystallisation) (not at 5 April 2006).

However, you will not use this calculation if a member with a pre-commencement pension has also had a BCE or RBCE.

#### Previous BCE

If the member had a BCE (between 6 April 2006 and 5 April 2024), they will have had a ‘deemed B C E’ in respect of their pre-commencement pension. They should have received a B C E statement from the pension scheme in which their first B C E after 5 April 2006 occurred. The statement had to be sent within three months of the actual B C E which triggered it, or yearly if an ongoing pension was payable. It should detail the amount of [L T A](#_Primary_Protection) that was deemed used up by the pre-commencement pension.

#### Previous RBCE

If the member has not had a BCE but has had an [RB C E](#_Relevant_Benefit_Crystallisation_1) (from 6 April 2024), they will have had a ‘deemed RB C E’ in respect of their pre-commencement pension. They should have received an RB C E statement from the pension scheme in which their first RB C E after 5 April 2024 occurred. The statement had to be sent within three months of the actual RB C E which triggered it, or yearly if an ongoing pension was payable. It should detail the monetary amount of LSA and LSDBA used up by the pre-commencement pension.

See [PTM164400](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm164400) and [archived PTM088300](https://webarchive.nationalarchives.gov.uk/ukgwa/20230106103951/https:/www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm088300) for more information about pre-commencement pensions and deemed B C Es.

## Transitional tax-free amount certificates (TT FAC)

### Summary

A transitional tax-free amount certificate (TT FAC) accurately reflects the relevant tax-free lump sums paid to an individual before 6 April 2024.

Most members should not need to apply for a TT FAC as applying the standard transitional calculation will accurately reflect any tax-free lump sums taken by the member at a B C E.

Members, or their personal representatives if they have died, may wish to apply for a TT FAC if they have taken less than 25 per cent of their L T A as tax-free lump sums.

Members can apply to any pension scheme they are a member of for a TT FAC. H M R C has stated individuals may wish to apply to the scheme they crystallised the majority of their pension before 6 April 2024 with, or to the scheme paying the first [R B C E](#_Relevant_Benefits_Crystallisation) after 5 April 2024.

A member cannot apply for a TT FAC if they have already had an R B C E nor can they make an application to a scheme they are not yet a member of.

Members who have a [pre-commencement pension](#_Pre-commencement_pensions_in) only cannot apply for a TT FAC. Members who have a pre-commencement pension and had a [B C E](#_Enhanced_Protection) (between 6 April 2006 and 5 April 2024) can apply for a TT FAC.

When you receive an application from a member, you must either issue a TT FAC or provide a notice of refusal within three months of receiving the application. You can only refuse an application if a member provides insufficient evidence.

### If a member holds a TT FAC, do you have to apply it?

Yes. If the member holds a TT FAC, you must adjust the member’s [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) using the amounts shown on the TT FAC. The [standard transitional calculation](#_Availability_of_the) does not apply. This is the case even if the member would be worse off using the TT FAC.

### Is a member legally required to notify you if they hold a TT FAC?

The Government is bringing forward legislation to require individuals to notify all pensions schemes they hold benefits with that they are relying on a TTFAC.

### Which members should consider applying for a TT FAC?

Members, or their personal representatives if they have died, may wish to apply for a TT FAC if:

* they have taken less than 25 per cent of their [L T A](#_Primary_Protection) as tax-free lump sums, and
* the amount of tax-free lump sum(s) they can take is likely to be limited by the [L S A](#_Lump_Sum_Allowance_1) and/or [L S D B A](#_The_Lump_Sum).

H M R C guidance states that applications should only be made where the applicant can provide [complete evidence](#_What_is_complete) that, before 6 April 2024, the member received a lower amount as tax-free lump sums than that provided for by the [standard transitional calculation](#_From_6_April).

Other members who may wish to consider an application:

#### Members who reached age 75 but did not take their pension

Under the [L T A](#_Primary_Protection) regime, values crystallised at [B C E](#_Enhanced_Protection) 5 and 5B were disregarded when determining a member’s available L T A for the purpose of [paying a P C L S](#_C_T_S:). From 6 April 2024, the [standard transitional calculation](#_From_6_April) will reduce a member’s [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) by 25 per cent of the L T A crystallised at a B C E 5 and 5B, despite the member not having taken payment of their benefits.

H M R C is considering changing the legislation to resolve this issue. Meanwhile, members can apply for a TT FAC to make sure the values crystallised at B C E 5 and 5B are not deducted from their available L S A and L S D B A.

#### Members who have taken a Q ROPS before 6 April 2024

Under the [L T A](#_Primary_Protection) regime when a member transferred their benefits to a [Q ROPS](#_Paying_a_Q) it was a B C E 8 and the transfer used up L T A. From 6 April 2024, the standard transitional calculation will reduce a member’s [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) by 25 per cent of the L T A crystallised by the B C E 8, despite the individual not having taken payment of their benefits. The individual’s overseas transfer allowance ([O T A](#_Paying_a_Q)) will also be reduced by 100 per cent of the L T A used.

Members can apply for a TT FAC to make sure a pre-6 April 2024 Q ROPS transfer is not deducted from their available L S A and L S D B A. The TT FAC will accurately reflect the relevant lump sums paid and will show no deduction from the L S A and L S D B A for the B C E 8.

Q ROPS paid from 6 April 2024 only use up the individual’s O T A.

#### Members who received a SIHLS before 6 April 2024

Where a member under age 75 has received a [SIHLS](#_Paying_a_SIHLS) before 6 April 2024, the standard transitional calculation requires that the:

* [L S A](#_Lump_Sum_Allowance_1) is reduced by 25 per cent of the L T A used by the SIHLS
* [L S D B A](#_The_Lump_Sum) is reduced by 100 per cent of the L T A used by the SIHLS.

Members who have received a SIHLS may wish to apply for a TT FAC to ensure 25 per cent of the SIHLS is not deducted from their L S A.

You are required to deduct 100 per cent of a SIHLS (paid under age 75) from the L S D B A, irrespective of whether a member has a TT FAC.

Where a SIHLS is paid after 5 April 2024, the RBCE statement will accurately reflect that it only uses up LSDBA.

#### Members who have used up 100 per cent of their LTA

Section 126 (2) of the Finance Act 2024 provides that where a member has used 100 per cent of their LTA, they have no available LSDBA – see [example 8](#_:_P_C_1).

These members may wish to apply for a TTFAC if the relevant lump sums they have taken are less than the LSDBA of £1,073,100.

Under the standard transitional calculation, the available L S D B A is reduced by:

* 100 per cent of the LTA used in respect of [S I H L S](#_Paying_a_SIHLS) paid under age 75 and relevant [lump sum death benefits](#_Paying_lump_sum)
* otherwise, 25 per cent of the L T A previously used.

#### HMRC’s TTFAC tool

HMRC has published a [TTFAC tool](https://www.tax.service.gov.uk/guidance/Check-if-you-can-apply-for-a-Transitional-tax-free-amount-certificate) for members to check if they can apply for a certificate. However, the tool only covers one of the four scenarios we have identified above where members may wish to apply for a certificate ie where a SIHLS has been paid before 6 April 2024.

### Who should not apply for a TT FAC?

Members should not apply for a TT FAC where they believe this might result in lower available allowances than under the standard transitional calculation.

This is because the legislation does not allow individuals to apply for a TT FAC to compare the results under each process. If a TT FAC is granted to a member, it must be used. The TT FAC sets out their new available allowances and puts them in the correct tax position. There is no opportunity to revert to the standard calculation once a TT FAC has been granted.

Members may not always be better off with a TT FAC, even where they have taken less than 25 per cent of their benefits tax free. This could happen where a [B C E](#_Enhanced_Protection) took place when the [L T A](#_Primary_Protection) was higher than the [L S D B A](#_The_Lump_Sum).

Members should be sure applying for a TT FAC is right for them and may wish to seek independent financial advice.

### Does a TT FAC need to be issued before the first R B C E?

Yes. A TT FAC must be applied for and issued before the first [R B C E](#_Relevant_Benefits_Crystallisation).

Where an application for a TT FAC is made before the first R B C E, the R B C E cannot take place until the TT FAC has been issued.

### Who can apply for a TT FAC?

A member, or their personal representatives if they have died, may apply to any pension scheme they are a member of. They cannot apply:

* if they are not yet a member of the L G P S, even if they are about to join the L G P S and transfer pension savings to you
* to an annuity provider; however, the Government intends to change legislation to allow this
* if they only have a [pre-commencement pension](#_Pre-commencement_pensions_in) in payment.

### What is complete and accurate evidence?

The application must be accompanied by complete and accurate evidence supporting the payment of the total amount of tax-free lump sums the member has taken at a [B C E](#_Enhanced_Protection).

The onus is on members to provide complete and accurate evidence – it forms part of the application.

The legislation does not prescribe exactly what constitutes complete and accurate evidence because this would overly restrict what you can and cannot accept. Evidence will need to be considered on a case-by-case basis. H M R C have indicated appropriate evidence would be financial records, B C E statements or bank statements.

Applicants must always provide evidence of the total [L T A](#_Primary_Protection) percentage used as well as the total of all relevant tax-free lump sums and, if applicable, relevant lump sum death benefits paid before 6 April 2024.

### What should a TT FAC contain?

If you are satisfied the member has provided complete and accurate evidence, you must issue a TT FAC containing the following information:

* the member’s name, address and national insurance number
* the percentage of the standard [L T A](#_Primary_Protection) used up by the member
* the amount you are satisfied is the member’s [lump sum transitional tax-free amount](#_Lump_sum_transitional)
* the amount you are satisfied is the member’s [lump sum and death benefit transitional tax-free amount](#_Lump_sum_and)
* a statement certifying you are satisfied the two transitional tax-free amounts are correct.

#### Lump sum transitional tax-free amount

This is the total of the following amounts the individual was entitled to before 6 April 2024. The amounts are only included if they were not subject to income tax:

* [P C L S](#_C_T_S:)
* [U F P L S](#_Paying_an_U)
* [SALS](#_Relevant_Benefit_Crystalisation_1)
* [25 per cent of the L T A used at a deemed B C E](#_Pre-commencement_pensions_in)

#### You must also include any PCLSs and UFPLSs paid after age 75.

#### Lump sum and death benefit transitional tax-free amount

This is the total of the following amounts that the individual was entitled to before 6 April 2024. The amounts are only included if they were not subject to income tax:

* [P C L S](#_C_T_S:)
* [U F P L S](#_Paying_an_U)
* [SAL](#_Relevant_Benefit_Crystalisation_1)S
* [25 per cent of the L T A used at a deemed B C E](#_Pre-commencement_pensions_in)
* [SIHLS](#_Paying_a_SIHLS)
* [a relevant lump sum death benefit](#_Paying_lump_sum).

#### You must also include any PCLSs and UFPLSs paid after age 75.

A relevant lump sum death benefit does not include a lump sum death benefit paid in respect of rights that were crystallised before 6 April 2024. These lump sums do not reduce a member’s [L S D B A](#_The_Lump_Sum).

### When should you issue a TT FAC?

You must issue a TT FAC within three months of receiving the application.

You can request further evidence from the applicant within this three-month window. Requesting further information does not restart the three-month window. This still starts when you receive the initial application.

Failure to issue a TT FAC is subject to penalty under section 98 of the Taxes Management Act 1970.

### What form should the TT FAC take?

You can determine the form of the TT FAC. It can also be incorporated into another document given to the applicant.

### Can you refuse an application for a TT FAC?

You can only refuse an application on the grounds of insufficient evidence.

### Can a member apply more than once?

Yes. Where an initial application is refused, there is nothing in legislation to prevent members making more than one application. However, if no further evidence is provided, you may notify the member the application is refused. You do not need to reconsider the same evidence or wait three months to respond.

Also, where a TTFAC is cancelled, members can make another application, provided they have not had an RBCE.

### Can you cancel a TT FAC?

Yes. If at any time it appears either of the transitional tax-free amounts are not accurate, you must cancel the certificate by giving notice of the cancellation to the member or if the member is deceased their personal representatives.

H M R C is considering if there should be a requirement to notify them so they can determine if there is further tax due.

### What happens when a TT FAC is cancelled or is inaccurate?

[PTM174300](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm174300) states that individuals cannot rely on a TTFAC if it is inaccurate. It goes onto say:

If the lump sum transitional tax-free amount and/or the lump sum and death benefit transitional tax-free amount stated on a certificate is incorrect (for any reason), then the allowances should be recalculated using the standard transitional calculation to determine the individual’s actual lump sum allowance and lump sum and death benefit allowance amount and any income tax liability.

This applies regardless of whether the error is identified by the scheme administrator, and regardless of whether the certificate has been cancelled.

This may mean that the member has additional income tax to pay.

TTFACs cannot be revised or updated. Where a TTFAC is cancelled, members can make another application, provided they have not had an R B C E.

HMRC confirmed it will bring forward legislation to ensure previous lump sums paid do not retrospectively become unauthorised payments. This could apply where recalculating the allowances reveals that the member should have had no lump sum allowance payable.

## Paying a P C L S

This section looks at how the new lump sum allowances impact on the payment of a pension commencement lump sum (P C L S). A P C L S is the tax-free lump sum a member is entitled to take when they start taking their pension.

### When to assess a P C L S

A P C L S is assessed at the [R B C E](#_Relevant_Benefits_Crystallisation). An R B C E can only take place after 5 April 2024.

The R B C E is the date the member has an actual entitlement to their benefits. Actual entitlement only arises when you have all the information and completed forms needed to make payment.

###### : the R B C E date

A member aged 58 is dismissed on the grounds of redundancy on 31 December 2024.They return their completed election forms on 31 May 2025.

The R B C E will be 31 May 2025 at the earliest, if you have everything else you need to pay the benefits. Otherwise, it will be a later date when you have all the necessary documentation.

Once you have established the date of the R B C E you must test the P C L S against the member’s available [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) on this date.

Lump sums are calculated in accordance with [Secretary of State guidance](https://www.lgpsregs.org/schemeregs/actguidance.php) / [Scottish Ministers guidance](https://www.scotlgpsregs.org/schemeregs/actguidance.php). If a member has an A V C fund and they are taking some or all of it as tax free cash, it should be added to the main scheme lump sum on a £1 for £1 basis. Interest for late payment is not included.

If the member has more than one R B C E on the same day, they must decide which R B C E is first and inform both scheme administrators. This works in the same way as under the [L T A](#_Primary_Protection) regime if more than one [B C E](#_Enhanced_Protection) took place on the same day.

### The maximum P C L S

From 6 April 2024, a P C L S can only be paid if a member has both available [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum):

The maximum P C L S is the lowest of:

* 25 per cent of the capital value the member is crystallising
* their available L S A immediately before the member becomes entitled to the lump sum
* their available L S D B A immediately before the member becomes entitled to the lump sum.

For most L G P S members, the maximum P C L S will still be 25 per cent of the capital value of the benefits they are crystallising with you.

### Timing conditions for payment of a P C L S

Timing conditions for payment of a P C L S remain as follows:

* it must be paid within an 18-month period starting six months before and ending 12 months after the member becomes entitled to it – this is the date of the [R B C E](#_Relevant_Benefits_Crystallisation). Entitlement occurs on the day the member has an actual entitlement.
* the member must have reached [normal minimum pension age](#_Normal_Minimum_Pension) (N M P A) - or in some cases a lower protected pension age, unless entitlement has arisen because the member meets the ill-health condition in which case it can be paid before N M P A.

The requirement for the P C L S to be paid in connection with a relevant pension also remains.

### Paying supplementary pensions increase

Paying supplementary pensions increase (PI) on a PCLS is a new RBCE, just as it was a new BCE before 6 April 2024.

Technically this means that you should ask members again about any previous pension benefits they have taken since the original BCE/RBCE. This is to allow you to assess their available LSA and LSDBA at the new RBCE date. You should also provide the member with an [RBCE statement](#_C__T).

When paying supplementary PI, you should bear in mind that a member has to apply for a TTFAC before their first RBCE after 5 April 2024.

### Testing the P C L S against the available L S A and L S D B A

If a member elects to take a P C L S when they take their L G P S pension benefits, you will need to check it fits within their available [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum).

###### : P C L S - no previous benefits paid

The member has an R B C E on 31 May 2025. They elect to take payment of their L G P S pension and a P C L S of £20,000.

They have not taken payment of any pension benefits previously.

Immediately before the R B C E their available LSA is £268,275 and available L S D B A is £1,073,100.

Following the R B C E their available lump sum allowances are:

* L S A: £268,275 - £20,000 = £248,275
* L S D B A: £1,073,100 - £20,000 = £1,053,100

###### : P C L S - previous benefits paid after 5 April 2024

The member has an R B C E in the LGPS on 31 March 2027. They elect to take payment of their L G P S pension and a P C L S of £80,000.

They have previously taken payment of benefits from other schemes:

* a £450,000 S I H L S (under age 75) – R B C E date 31 October 2026
* a £50,00 tax free element of an U F P L S – R B C E date 31 May 2025

Immediately before the R B C E the available allowances are:

* L S A: £268,275 - £50,000 = £218,275
* L S D B A: £1,073,100 - £450,000 - £50,000 = £573,100

Following the R B C E the available allowances are:

* L S A: £268,275 - £50,000 - £80,000 = £138,275
* L S D B A: £1,073,100 - £450,000 - £50,000 - £80,000 = £493,100

###### : P C L S - pre-commencement pension in payment

The member has an R B C E on 31 March 2027. They elect to take payment of their L G P S pension and a P C L S of £27,000.

They have not had any previous R B C Es or B C Es. They are in receipt of a [pre-commencement pension](#_Pre-commencement_pensions_in). The value of the pre-commencement pension at the R B C E date is £25,000 a year.

Immediately before the R B C E their available allowances are:

* L S A: £268,275 - ((£25,000 × 25) × 0.25) = £112,025
* L S D B A: £1,073,100 - ((£25,000 × 25) × 0.25) = £916,850

Following the R B C E the available allowances are:

* L S A: £112,025 - £27,000 = £85,025
* L S D B A: £916,850 - £27,000 = £889,850

###### : P C L S - previous B C E with standard transitional calculation

The member has an R B C E on 31 July 2024. They elect to take payment of their L G P S pension and a P C L S of £55,000.

They had a B C E on 1 December 2022 – this used 50 per cent of their L T A. They do not hold a [TT FAC](#_Transitional_tax-free_amount) and they have not been paid a [SIHLS](#_Paying_a_SIHLS).

Immediately before the R B C E their available allowances are:

* L S A: £268,275 - ((£1,073,100 × 0.5) × 0.25) = £134,137
* L S D B A: £1,073,100 - ((£1,073,100 × 0.5) × 0.25) = £938,963

Following the R B C E the available allowances are:

* L S A: £134,137 - £55,000 = £79,137
* L S D B A: £938,963 - £55,000 = £883,963

###### : P C L S - previous B C E with TT FAC

The member has an R B C E on 31 July 2024. They elect to take payment of their L G P S pension and a P C L S of £55,000.

They had a B C E on 1 December 2022 that used up 80 per cent of their L T A.

The member has a [TT FAC](#_Transitional_tax-free_amount) stating their:

* L S A transitional tax-free amount is £150,000
* L S D B A transitional tax-free amount is £400,000

The member must use their TT FAC. Immediately before the R B C E their available allowances are:

* L S A: £268,275 - £150,000 = £118,275
* L S D B A: £1,073,100 - £400,000 = £673,100

Following the R B C E the available allowances are:

* L S A: £118,275 - £55,000 = £63,725
* L S D B A: £673,100 - £55,000 = £618,100

###### : P C L S - previous R B C E and BCE with TT FAC

The member has an R B C E on 31 October 2026. They elect to take payment of their L G P S pension and a P C L S of £55,000.

They had a previous R B C E on 30 April 2024 when they were paid a P C L S of £57,000.

On 1 December 2022 they had a B C E using up 80 per cent of their L T A.

A [TT FAC](#_Which_members_should) was issued before the first R B C E on 30 April 2024. It states:

* L S A transitional tax-free amount = £131,275
* L S D B A transitional tax-free amount = £900,000

The member must use the TT FAC. Immediately before the R B C E on 31 October 2026 their available allowances are:

* L S A: £268,275 - (£131,275 + £57,000) = £80,000
* L S D B A: £1,073,100 - (£900,000 + £57,000) = £116,100

Following the R B C E the available allowances are:

* L S A: £80,000 - £55,000 = £25,000
* L S D B A: £116,100 - £55,000 = £61,100

###### : P C L S and P C E L S - 100% of LTA used – standard transitional calculation

The member has an R B C E on 31 July 2024. They have built up a pension of £12,000 a year.

They had a B C E on 31 March 2021 which used up 100 per cent of their L T A. They do not hold a TT FAC and have not taken a SIHLS. Immediately before the R B C E their available allowances are:

* L S A: £268,275 - ((£1,073,100 × 1.0) × 0.25) = £0
* L SDB A: £0

As the member has used up 100 per cent of their LTA, the legislation states they have no available LSDBA.

The maximum PCLS is the lowest of:

* 25% of capital value = ((£12,000 × 120) ÷ 7) × 0.25 = £51,428
* available LSA = £0
* available LSDBA = £0

As the member has no available lump sum allowances, any lump sum must be paid as a [P C E L S](#_Paying_a_PCELS). This will be subject to income tax at the member’s marginal rate See the [PCELS section](#_Paying_a_PCELS_1) for the rules on paying a PCELS.

Note: if this member had used 99 per cent of their LTA, the LSA and LSDBA available immediately before the RBCE would be:

* L S A: £268,275 - ((£1,073,100 × 0.99) × 0.25) = £2,682.75
* L SDB A: £1,073,100 - ((£1,073,100 × 0.99) × 0.25) = £807,507

Whilst this does not make a big difference to the amount of PCLS that can be taken, the difference in the available LSDBA is significant. This could have an impact on future RBCEs eg the payment of a death grant. We have queried this with HMRC as the outcome does not seem equitable. Members who have used 100 per cent of their LTA may wish to apply for a TTFAC.

###### : P C L S – 100 per cent of the L T A used with TT FAC

The member has an R B C E on 31 July 2024. They elect to take their LGPS pension and a P C L S of £20,000.

They had a B C E on 31 March 2021 which used up 100 per cent of their L T A. They hold a [TT FAC](#_Transitional_tax-free_amount) stating that both the L S A and L SDB A transitional tax-free amounts are £0. This is because their L T A was used up by a transfer to a [Q ROPS](#_Paying_a_Q), the member did not receive a tax-free lump sum.

The member must use the TT FAC. Immediately before the R B C E their available allowances are:

* L S A: £268,275 - £0 = £268,275
* L SDB A: £1,073,100 - £0 = £1,073,100

Following the R B C E the available allowances are:

* L S A: £268,275 - £20,000 = £248,275
* L SDB A: £1,073,100 - £20,000 = £1,053,100

###### : P C L S - previous B C E 5 with standard transitional calculation

The member has an R B C E on 30 April 2024. They have built up a pension of £21,000.

On 15 March 2023 they had a B C E5 as they reached age 75 but had not taken payment of their benefits. This used up 50 per cent of their L T A.

The member does not hold a [TT FAC](#_Transitional_tax-free_amount) and has no LTA protections. Immediately before the R B C E their available allowances are:

* L S A: £268,275 - ((£1,073,100 × 0.5) × 0.25) = £134,137
* L SDB A: £1,073,100 - ((£1,073,100 × 0.5) × 0.25) = £938,963

The maximum PCLS is the lowest of:

* 25% of capital value = ((£21,000 × 120) ÷ 7) × 0.25 = £90,000
* available LSA = £134,137
* available LSDBA = £938,963

Note: the capital value is calculated using the reiterative method.

The lowest of the three values is £90,000.

Following the R B C E the available allowances are:

* L S A: £134,137 - £90,000 = £44,137
* L SDB A: £938,963 - £90,000 = £848,963

In this example, both the L S A and L SDB A are reduced because of the B C E 5 even though the member had not been paid a tax-free lump sum. The next example shows the impact of a TT FAC.

###### : P C L S – previous B C E 5 with TT FAC

The member from the previous example holds a TT FAC stating that:

* L S A transitional tax-free amount is £0
* L S D B A transitional tax-free amount is £0

The member must use their TT FAC. Immediately before the R B C E their available allowances are:

* L S A: £268,275
* L SDB A: £1,073,100

The maximum PCLS is the lowest of:

* 25% of capital value = ((£21,000 × 120) ÷ 7) × 0.25 = £90,000
* available LSA = £268,275
* available LSDBA = £1,073,100

Note: the capital value is calculated using the reiterative method.

The lowest of the three values is £90,000.

Following the R B C E the available allowances are:

* L S A: £268,275 - £90,000 = £178,275
* L SDB A: £1,073,100 - £90,000 = £983,100.

The member’s L S A and L SDB A were not reduced by the B C E 5 because they hold a TT FAC. The certificate confirms they have not received payment of a tax-free lump sum before the R B C E.

###### : P C L S and PCELS – previous SIHLS standard transitional calculation

The member has an R B C E on 30 April 2024. They have built up a pension of £35,000.

On 15 March 2023 they were paid a [SIHLS](#_Paying_a_SIHLS) from another pension scheme when they were under age 75. This used up 50 per cent of their L T A.

The member does not hold a [TT FAC](#_Transitional_tax-free_amount). Immediately before the R B C E their available allowances are:

* L S A: £268,275 - ((£1,073,100 × 0.5) × 0.25) = £134,137
* L SDB A: £1,073,100 - (£1,073,100 × 0.5) = £536,550

The maximum PCLS is the lowest of:

* 25% of capital value = ((£35,000 × 120) ÷ 7) × 0.25 = £150,000
* available LSA = £134,137
* available LSDBA = £536,550.

Note: the capital value is calculated using the reiterative method.

The lowest of the three values is £134,137.

DLUHC/SPPA are currently considering whether to:

* allow PCELSs to be paid from the LGPS, and
* if so, whether to limit the proportion of benefits that can be taken as a PCELS and what that limit should be.

They plan to consult on changes to scheme rules shortly. In the meantime, they have confirmed that where a member’s lump sum exceeds the LSA or LSDBA, you must offer them the ability to take benefits that would have been in excess of the LTA as a PCELS. This is required by the transitional provisions included in the Finance Act 2024. SPPA is currently reviewing the legislation and expect to confirm its view to Scottish authorities shortly.

Payment of a PCELS is subject to the conditions set out in the [PCELS section](#_P_C_E) of this guide. In this example, we assume the member has no contracted-out rights.

**Step 1: commuting up to the available LTA limit**

* Annual pension: (£35,000 - (£134,137 ÷12)) = £23,822
* Lump sum: £134,137

**Step 2: calculating the excess pension over the available LTA**

* (£1,073,100 × 0.5) - £134,137 ÷ 20 = £20,121
* Excess pension: £23,822 - £20,121 = £3,701
* Maximum taxable lump sum: £3,701 × 12 = £44,412

**Maximum lump sum payable:**

* P C L S: £134,137
* P C E L S: £44,412
* Annual pension: £20,121

The PCELS is taxed at the member’s marginal rate of income tax. It must be paid and reported through [P A Y E payroll reporting](#_Paying_tax_on).

Following the R B C E the available allowances are:

* L S A: £134,137 - £134,137 = £0
* L SDB A: £536,550 - £134,137 = £402,413

In this example, the L S A is reduced by 25 per cent of the SIHLS and the L SDB A is reduced by 100 per cent of the SIHLS. The next example shows the impact of a TT FAC.

###### : P C L S – previous SIHLS with TT FAC

The member from the previous example holds a [TT FAC](#_Transitional_tax-free_amount) stating that:

* L S A transitional tax-free amount is £0
* L S D B A transitional tax-free amount is £536,550

The member must use their TT FAC. Immediately before the R B C E their available allowances are:

* L S A: £268,275
* L SDB A: £536,550

The maximum PCLS is the lowest of:

* 25% of capital value = ((£35,000 × 120) ÷ 7) × 0.25 = £150,000
* available LSA = £268,275
* available LSDBA = £1,073,100.

Note: the capital value is calculated using the reiterative method.

The lowest of the three values is £150,000.

Following the R B C E the available allowances are:

* L S A: £268,275 - £150,000 = £118,275
* L SDB A: £536,550 - £150,000 = £386,500.

The member’s L S A was not reduced by the [SIHLS](#_Paying_a_SIHLS) at the R B C E because they hold a TT FAC.

###### : P C L S - member worse off with TT FAC

The member has an R B C E on 31 July 2024. They elect to take payment of their L G P S pension and P C L S of £50,000.

They had a B C E on 31 December 2010 which used up 78 per cent of their L T A. When the member crystallised these benefits, they were able to take a P C L S of £300,000 because the L T A was £1,800,000.

The member does not hold a [TT FAC](#_Transitional_tax-free_amount) and has not been paid a [SIHLS](#_Paying_a_SIHLS).

Immediately before the R B C E their available allowances are:

* L S A: £268,275 - ((£1,073,100 × 0.78) × 0.25) = £59,021
* L SDB A: £1,073,100 - ((£1,073,100 × 0.78) × 0.25) = £863,846

Following the R B C E the available allowances are:

* L S A: £59,021 - £50,000 = £9,021
* L SDB A: £863,846 - £50,000 = £813,846

If the member had applied for a TT FAC, their available L S A would be £0. This is because the certificate would detail the actual P C L S paid of £300,000, which is higher than the current L S A. In this scenario the member has a greater L S A without the TT FAC, despite previously taking less than 25 per cent of their benefits as a P C L S.

## Members with L T A protections / enhancement factors

This section contains limited information about [L T A](#_Primary_Protection) protections as this information is covered in [PTM176000](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm176000).

Each time the L T A was reduced, members were able to apply to H M R C for L T A protection. Although the L T A is abolished from 6 April 2024, these protections may still be of use as they may entitle members to an increased [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) based on their protected L T A.

A valid L T A protection does not allow members to take a [P C L S](#_C_T_S:) of more than 25 per cent of the [capital value](#_Capital_value) of the benefits they are crystallising.

[Primary Protection](#_Primary_Protection_1), [Enhanced Protection](#_Enhanced_Protection_1), [Fixed Protection 2012](#_Fixed_Protection_2012), [Fixed Protection 2014](#_Fixed_Protection_2014) and [Individual Protection 2014](#_Individual_Protection_2014) are closed for new applications. [Fixed Protection 2016](#_Fixed_Protection_2016) and [Individual Protection 2016](#_Individual_Protection_2016) remain open for new applications until 5 April 2025.

Members who plan to rely on their L T A protections at an [R B C E](#_Relevant_Benefits_Crystallisation) are responsible for providing you with their H M R C protection number. As best practice, you should check if a member at risk of exceeding the L S A and / or L S D B A, has any L T A protections. You must validate the member’s L T A protection by either obtaining a copy of the protection certificate or by using the [scheme administrator lookup service](https://www.tax.service.gov.uk/protect-your-lifetime-allowance/psalookup/scheme-administrator-reference) before adjusting the L S A and L S D B A.

Employers can apply an automatic enrolment exception, where they have reasonable grounds to believe the worker has an L T A protection. This was introduced because new pension build up could cause some types of L T A protection to be lost.

L T A enhancement factors give individuals a higher lifetime allowance by working as a multiplier of the standard lifetime allowance. Members might obtain an enhancement factor where an overseas transfer is received into a registered pension scheme in the UK, or a pension credit is applied. See [archived PTM095500](https://webarchive.nationalarchives.gov.uk/ukgwa/20240305092052/https:/www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm095500) for more information. L T A enhancement factors increase a member’s available L S A and L S D B A. A member can hold L T A protections and L T A enhancement factors.

###### : Fixed protection 2012

The member’s L T A was fixed at £1,800,000 - Fixed Protection 2012 was introduced in 2012 when the standard L T A reduced from £1.8 million to £1.5 million.

At the R B C E, the standard L S A and L S D B A is adjusted.

The member’s available L S A is £450,000 as calculated as £1,800,000 × 0.25 = £450,000

The member’s available L S D B A is £1,800,000 – this is simply the value of the protected L T A.

## Paying a P C E L S

A Pension Commencement Excess Lump Sum (P C E L S) is introduced on 6 April 2024. It replaces the [Lifetime Allowance Excess Lump Sum (L T A E L S)](#_Lifetime_Allowance_Excess_1).

A P C E L S is an authorised payment in excess of a member’s [L S A](#_Lump_Sum_Allowance_1) or [L S D B A](#_The_Lump_Sum). It is subject to tax at the member’s marginal rate. Payment of a P C E L S is not an [R B C E](#_Relevant_Benefits_Crystallisation).

### Conditions for payment

A P C E L S can only be paid if:

* the member becomes entitled to it in connection with becoming entitled to a relevant pension
* it is paid when none of the member’s [L S A](#_Lump_Sum_Allowance_1) or [L S D B A](#_The_Lump_Sum) is available
* it is paid within the period beginning six months before, and ending one year after, the day on which the member becomes entitled to it
* it does not reduce the rate of payment of any pension to which the member has become entitled, or extinguish the member’s entitlement to payment of any such pension
* it is paid when the member has reached [NMPA](#_Pension_Commencement_Lump_1) or the ill-health condition is met
* it is not an excluded lump sum.

A P C E L S cannot be paid if another authorised lump sum can be paid eg when an UFPLS or SIHLS could be paid. A member does not need to have:

* available LSA or LSDBA for an UFPLS to be paid
* available LSDBA for a SIHLS to be paid.

See the [UFPLS section](#_Paying_an_U) and [SIHLS section](#_Paying_a_SIHLS) for more information.

In [newsletter 159](https://www.gov.uk/government/publications/pensions-schemes-newsletter-159-april-2024/newsletter-159-april-2024), HMRC confirmed that a PCELS cannot be paid where an UFPLS could be paid under tax legislation (section 166 of the Finance Act 2004), even if the scheme rules do not permit the payment of an UFPLS. For the LGPS, this will prevent AVCs being paid as PCELSs.

Where a member does not have enough available LSA or LSDBA to allow them to take all their AVC as a PCLS, they have the option of using the excess above the PCLS limit to:

* buy an annuity from an insurance company, bank or building society
* buy a top up LGPS pension (if permitted).

They also have the option of transferring the whole AVC plan to a different pension arrangement where they can take it all as a lump sum. Transferring is subject to the conditions set out in the AVC technical guide.

P C E L S cannot be derived from any commutation from pension to lump sum of the member’s formerly contracted out benefit (regulations 18 and 25 [the OPS (Schemes that were Contracted-out)(No 2) Regulations 2015](https://www.legislation.gov.uk/uksi/2015/1677/contents)). Contracted out benefits are:

* Guaranteed Minimum Pension
* Section 9(2B) rights
* In the L G P S, a P C E L S can only represent:
* the member’s 3/80th lump sum
* if the member is commuting pension to lump sum, benefits built up:
* above the member’s GMP before 6 April 1997
* after 5 April 2016.

### P C E L S in the L G P S

The L G P S Regulations provide that a member can only take benefits in excess of the [L T A](#_Primary_Protection) in accordance with GAD guidance. GAD guidance allows for excess benefits to be taken as a [L T A E L S](#_Lifetime_Allowance_Excess_1), subject to contracting out restrictions.

It will not be compulsory for pension schemes to offer the P C E L S. Where they wish to, paragraph 132 of Schedule 9 of the [Finance Act 2024](https://www.legislation.gov.uk/ukpga/2024/3/contents/enacted) provides a transitional provision allowing for the rules of a registered pension scheme which allowed the payment of L T A E L S to have the same effect in relation to a P C E L S.

#### Paying a PCELS under the transitional provisions

On 15 May 2024, we forwarded an email to administering authorities from DLUHC confirming the transitional provisions for the LGPS in England and Wales. We understand it plans to confirm its longer-term policy shortly.

The Department’s view is that, until the new LGPS rules on access to PCELSs are in place, where a member has used up all of their LSA (or their lump sum and death benefit allowance), administering authorities must offer members the ability to take the benefits that would have been in excess of the LTA as a PCELS (to be taxed at their marginal rate).

This will be subject to any overall conditions that apply to PCELSs, including that a member must become entitled to a relevant pension at the same time a PCELS is paid (so if the member has no LSA remaining, they can’t commute all of their pension to take a PCELS – at least £1 of annual pension has to be paid).’

On 6 June 2024, the Scottish Public Pensions Agency emailed Scottish administering authorities to inform them they are taking the same approach as DLUHC.

###### : PCELS payable in transitional period

The member has built up a pension of £70,000 per year in the L G P S.

They have no L T A protections and have not crystallised any benefits previously. They have no contracted-out rights.

Immediately before the R B C E their available allowances are:

* L S A: £268,275
* L S D B A: £1,073,100

The maximum PCLS is the lowest of:

* 25% of capital value = ((£70,000 × 120) ÷ 7) × 0.25 = £300,000
* available LSA = £268,275
* available LSDBA = £1,073,100.

Note: the capital value is calculated using the reiterative method.

The lowest of the three values is £268,275.

**Step 1: Commuting up to the LTA limit**

* Annual pension: (£70,000 - (£268,275 ÷12)) = £47,644
* Lump sum: £268,275

**Step 2: calculate the excess pension over the LTA**

* £1,073,100 - £268,275 ÷ 20 = £40,241
* Excess pension: £47,644 - £40,241 = £7,403
* Maximum taxable lump sum: £7,403 × 12 = £88,836

**Benefits payable based on maximum lump sum:**

* P C L S: £268,275
* P C E L S: £88,836
* Annual pension: £40,241

The PCELS is taxed at the member’s marginal rate of income tax. It must be paid and reported through [P A Y E payroll reporting](#_Paying_tax_on).

###### : PCELS payable in the transitional period - no available LTA

The member has built up a pension of £20,000 per year in the L G P S.

They had a B C E on 31 March 2021 which used up 100 per cent of their L T A. They do not hold a TT FAC and have not taken a SIHLS. Immediately before the R B C E their available allowances are:

* L S A: £268,275 - ((£1,073,100 × 1.0) × 0.25) = £0
* L SDB A: £0

As the member has used up 100 per cent of their LTA, the legislation states they have no available LSDBA. They cannot take a PCLS from the LGPS.

DLUHC and SPPA have confirmed that where a member has used up all of their LSA (or their lump sum and death benefit allowance), administering authorities must offer members the ability to take the benefits that would have been in excess of the LTA as a PCELS (to be taxed at their marginal rate).

Although all of the member’s benefits are in excess of the LTA, a PCELS can only be paid in connection with a relevant pension. This means at least £1 of annual pension must be paid.

Assuming the member has no contracted-out rights, the maximum PCELS that can be paid is:

* PCELS: £19,999 × 12 = £239,988
* Annual pension: £1

The PCELS is taxed at the member’s marginal rate of income tax. It must be paid and reported through [P A Y E payroll reporting](#_Paying_tax_on).

#### Longer term policy

[HMRC’s LTA guidance newsletter – December 2023](https://www.gov.uk/government/publications/lifetime-allowance-guidance-newsletter-december-2023/lifetime-allowance-guidance-newsletter-december-2023) confirms it is not the Government’s intention to expand pension freedoms as a result of abolishing the L T A. It states the legislation broadly seeks to maintain the current treatment of limiting a [P C L S](#_C_T_S:) to the lower of 25 per cent of the benefits crystallising, or so much of the L S A or L S D B A available at the [R B C E](#_Relevant_Benefits_Crystallisation).

For this reason, the examples below assume the longer-term policy on paying a P C E L S from the LGPS is that it is only permitted where it fits within 25 per cent of the capital value of the benefits being crystallised.

###### : PCELS - no LSA or LSDBA available

The member takes payment of their L G P S pension on 30 April 2027. Their pension is £15,000 per year with no automatic lump sum.

The member has no L T A protections. They used up all their available L S A and LSDBA at a previous R B C E. They have no contracted-out rights.

The capital value of the member’s benefits is £300,000:

* 20 × £15,000 = £300,000

The member commutes £5,000 of annual pension to provide a lump sum of £60,000 as calculated below:

* 12 × £5,000 = £60,000

After commutation, the capital value of the member’s benefits is £260,000 as calculated below:

* £60,000 + (20 × £10,000) = £260,000

The lump sum of £60,000 is less than 25 per cent of the capital value of the member’s benefits. However, because the member has no available L S A or L S D B A the lump sum must be paid as a P C E L S and taxed at marginal rate.

The P C E L S must be paid and reported through [P A Y E payroll reporting](#_Paying_tax_on).

###### : PCELS – commuted lump sum exceeds the available LSA

The member has built up a pension of £100,000 a year in the L G P S.

They have no L T A protections and have not crystallised any benefits previously. They have no contracted-out rights.

Immediately before the R B C E their available allowances are:

* L S A: £268,275
* L S D B A: £1,073,100

The maximum PCLS is the lowest of:

* 25% of capital value = ((£100,000 × 120) ÷ 7) × 0.25 = £428,571
* available LSA = £268,275
* available LSDBA = £1,073,100

Note: the capital value is calculated using the reiterative method.

The lowest of the three values is £268,275.

If we assume that D LUHC / S P P A allow a P C E L S to be paid where it fits within the 25 per cent of the capital value of the benefits being crystallised, the benefits payable are:

* P C L S = £268,275
* P C E L S = (£428,571 - £268,275) = £160,296
* Annual pension = (£100,000 - (£428,571 ÷ 12 = £35,714)) = £64,286

The PCELS is taxed at the member’s marginal rate of income tax. It must be paid and reported through [P A Y E payroll reporting](#_Paying_tax_on).

## Paying an U F P L S (Scotland only)

A U F P L S is a payment made from uncrystallised funds held in a money purchase arrangement. Generally, 25 per cent of an U F P L S is paid tax free; however, because a member does not need to have available lump sum allowances to be paid an UFPLS, it is possible for it to be entirely taxable. If an UFPLS is paid where the member has no available LSA or LSDBA, the whole payment is taxable at their marginal rate.

In the LGPS, an UFPLS can only be paid to members of L G P S Scotland who have paid additional voluntary contributions.

The maximum U F P L S that can be paid tax-free is the lowest of:

* 25 per cent of the U F P L S
* the member’s available [L S A](#_Lump_Sum_Allowance_1)
* the member’s available [L S D B A](#_The_Lump_Sum).

Payment of a tax-free UFPLS reduces the available [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) for future RBCEs.

## Paying a T C L S

A member’s pension benefits, subject to conditions, can be commuted to a one-off authorised lump sum. Where the relevant conditions are met, the payment is called a trivial commutation lump sum (T C L S).

A T C L S does not count towards a member’s [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum). However, the member must have all or part of their L S A available to be paid a T C L S.

From 6 April 2024, the method for valuing crystallised benefits for the £30,000 commutation limit changed. The method for valuing uncrystallised rights remains the same.

Note:we have queried the new method of valuing crystallised rights with HMRC as it allows members to take a T C L S where payment would not have been permitted before 6 April 2024. HMRC has advised that the new policy is under review. We await further guidance. An example of the different treatment is set out below.

#### Valuation of crystallised rights before 6 April 2024

On the nominated date, a member is in receipt of a £10,000 annual pension. They did not take a tax-free lump sum at retirement.

Before 6 April 2024, the valuation of the crystallised rights would have been:

£10,000 × 20 = £200,000

The crystallised rights exceed the £30,000 commutation limit so the member would not have been allowed to take a TCLS

#### Valuation of crystallised rights from 6 April 2024

From 6 April 2024, the valuation of the crystallised rights has changed to:

(£268,275 - 268,275) × 4 = 0

Now the member is within the £30,000 commutation limit and can take a TCLS.

The information in the rest of this section is greyed out and will be revised when we hear back from HMRC.

### Valuing crystallised rights

All the valuations in the following examples are calculated at the nominated date.

The calculation to value a member’s crystallised rights against the £30,000 commutation limit is now:

* ((L S A - available L S A) × 4) + tax-free element of [S I H L S](#_Paying_a_SIHLS)

###### : T C L S - limit exceeded

A member would like to take their £500 annual pension as an uncrystallised T C L S of £11,700 from the L G P S. This is calculated in accordance with [Secretary of State guidance](https://www.lgpsregs.org/schemeregs/actguidance.php) / [Scottish Ministers guidance](https://www.scotlgpsregs.org/schemeregs/actguidance.php).

They have not received a [S I H L S](#_Serious_ill-health_lump_1) and do not have any L T A protections.

At a previous R B C E, they used up £18,275 of their L S A leaving £250,000 available L S A.

The value of the member’s crystallised rights is £73,100 as calculated below:

* (£268,275 - £250,000 = £18,275) × 4 = £73,100

The value of the member’s uncrystallised rights is £10,000 as calculated below:

* £500 × 20 = £10,000

The total value of member’s rights is £83,100. This exceeds the trivial commutation limit of £30,000 so the member cannot take an uncrystallised T C L S of £11,700 from the L G P S.

###### : T C L S - benefits within limit

A member would like to take their £500 annual pension as an uncrystallised T C L S of £11,700 from the L G P S. This is calculated in accordance with [Secretary of State guidance](https://www.lgpsregs.org/schemeregs/actguidance.php) / [Scottish Ministers guidance](https://www.scotlgpsregs.org/schemeregs/actguidance.php).

They have not received a [S I H L S](#_Serious_ill-health_lump_1) and do not have any L T A protections.

They had a previous R B C E which used up £4,000 of their L S A leaving £264,275 available L S A on the nominated date.

The value of the member’s crystallised rights is £16,000 as calculated below:

* (£268,275 - £264,275 = £4,000) × 4 = £16,000

The value of the member’s uncrystallised rights is £10,000 as calculated below:

* £500 × 20 = £10,000

The total value of member’s rights is £26,000 which is less than the trivial commutation limit of £30,000. The member can take an uncrystallised T C L S from the L G P S.

###### : T C L S - valuing benefits where SIHLS paid previously

A member would like to take their £500 annual pension as an uncrystallised T C L S of £11,700 from the L G P S. This is calculated in accordance with [Secretary of State guidance](https://www.lgpsregs.org/schemeregs/actguidance.php) / [Scottish Ministers guidance](https://www.scotlgpsregs.org/schemeregs/actguidance.php).

The member does not have any L T A protections.

They had an R B C E in July 2024 when they received a SIHLS of £5,000. As the SIHLS was paid under the age of 75, it was tax-free.

They had another R B C E in September 2024 which used up £2,275 of their L S A leaving £266,000 available L S A.

Their available L S A on the nominated date is £268,275 - £2,275 = £266,000.

The value of the member’s crystallised rights are:

* ((£268,275 - £266,000) × 4) + £5,000 = £14,100

The value of the member’s uncrystallised rights is £10,000 as calculated below:

* £500 × 20 = £10,000

The total value of member’s rights is £24,100 which is less than the trivial commutation limit of £30,000 so the member can take an uncrystallised T C L S from the L G P S.

## Paying a small pot payment

A member’s pension benefits, subject to conditions, can be commuted to a one-off authorised lump sum. Where the payment is less than £10,000 and the relevant conditions are met, the payment is called a de minimis small pot payment. Payments are paid under [the Registered Pension Schemes (Authorised Payments) Regulations 2009](https://www.legislation.gov.uk/uksi/2009/2930/contents/made).

A de minimis small pot payment does not count towards a member’s L S A or L S D B A.

A member can take a small pot payment without having any available [L S A](#_Lump_Sum_Allowance_1) or [L S D B A](#_The_Lump_Sum).

## Paying a SIHLS

If an individual is certified as having a life expectancy of less than one year, provided certain conditions are met, a serious ill health lump sum (SIHLS) can be paid.

In England and Wales, a SIHLS is only payable in respect of members who left the scheme before 1 April 2008.

In Scotland, a SIHLS is only payable in respect of members who left the scheme before 1 April 2015.

At an [R B C E](#_Relevant_Benefits_Crystallisation), a SIHLS is paid tax-free if it is paid under age 75 and the payment fits within the member’s available [L S D B A](#_The_Lump_Sum). If a SIHLS exceeds the available [L S D B A](#_The_Lump_Sum), the excess is taxed at the member’s marginal rate.

If a SIHLS is paid from age 75, the whole payment is taxable at the member’s marginal rate.

A member does not need to have available [L S D B A](#_The_Lump_Sum) to take a SIHLS. Payment of a tax-free SIHLS reduces the [L S D B A](#_The_Lump_Sum) for future RBCEs. It does not reduce the [LSA](#_Lump_Sum_Allowance_1).

## Paying a Q R O P S transfer

Where a member transfers their pension savings overseas this must be to a scheme registered by H M R C as a Q R O P S. If the receiving scheme is not a Q R O P S, it is treated as an unauthorised payment and the member may be charged at least 40 per cent tax.

From 6 April 2024, a new overseas transfer allowance (O T A) is introduced. A member’s initial O T A is their available L S D B A (£1,073,100 unless the member holds a valid LTA protection). Transferring to a Q R O P S will not reduce a member’s [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum).

Members must have available O T A to transfer their pension benefits to a Q R O P S. From 6 April 2024, each time a member transfers to a Q R O P S, they will use up available O T A. Before paying a transfer to a Q R O P S you must check if any transfers to a Q R O P S have already taken place.

Before 6 April 2024, an [overseas transfer charge](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm102200) (O T C) occurred if none of the [exclusions](#_Exclusions) applied.

From 6 April 2024, transfers to a Q R O P S that do not meet any of the exclusions continue to be subject to an overseas transfer charge of 25 per cent of the cash equivalent transfer value (C E T V).

If the member also exceeds their available O T A, only a single overseas transfer charge of 25 per cent of the C E T V applies.

If one of the exclusions is met and the member exceeds their available O T A, they are subject to a single O T C of 25 per cent of the excess over the O T A.

Before 6 April 2024, if the amount transferred to a Q R O P S was more than the member’s available L T A and none of the exclusions were met, the member would have been subject to an L T A and an O T C charge.

### Exclusions

* the member and the receiving scheme are in the same country
* the receiving scheme is within a European Economic Area (E E A) state or Gibraltar and the member is a resident in the UK or an E E A state
* the receiving scheme is an occupational pension scheme
* the receiving scheme was set up by an international organisation
* the receiving scheme is an overseas public service pension scheme.

### O T C and reporting

Where an overseas transfer charge is due, you should continue to deduct the charge before paying the transfer, and then [report and pay this using the A F T process](#_Paying_tax_on).

### Transitional arrangements

Where members have had a [B C E](#_Enhanced_Protection), their available O T A is reduced by an amount equal to 100 per cent of the previously used [L T A](#_Primary_Protection) at 5 April 2024.

This means individuals can make tax-free transfers to Q R O P S up to the same value as they could have expected to benefit from under the L T A. An O T C will apply to any excess.

The legislation does not currently allow for [pre-commencement pensions](#_Pre-commencement_pensions_in) to be deducted from the amount of available O T A. The Government has announced that it will bring forward legislation to ensure these pensions reduce the amount of available O T A in the future. It has suggested affected members may wish to defer their overseas transfer requests until the revised legislation is effective.

## Paying lump sum death benefits

### Before 6 April 2024

The payment of a defined benefit lump sum death benefit (D B L S D B) or an uncrystallised funds lump sum death benefit (U F L S D B) was a [B C E](#_Enhanced_Protection) 7 and used up [L T A](#_Primary_Protection), unless it was paid:

* outside the two-year period, or
* in respect of a member aged 75 or older when they died.

In these circumstances it was not a B C E under the L T A regime and did not trigger a test against the L T A. The D B L S D B / U F L S D B was then:

* taxed as the income of the person receiving it, or
* subject to the special lump sum death benefits charge, if paid to a non-qualifying person.

Note: it is not possible to pay a DBLSDB in the LGPS where the member dies age 75 or older. An UFLSDB can be paid over the age 75 – it is paid in respect of uncrystallised AVCs.

### From 6 April 2024

For deaths from 6 April 2024, the payment of a D B L S D B / U F L S D B is always an R B C E provided the benefits have not already been tested against the LTA. Payment only reduces the [L S D B A](#_The_Lump_Sum) if it is paid tax free.

An [R B C E](#_Relevant_Benefits_Crystallisation) statement must be provided to the deceased member’s personal representative. The personal representative remains responsible for calculating and reporting any tax due in respect of the L S D B A.

#### Benefits crystallised before 6 April 2024

A D B L S D B / U F L S D B is not an RBCE if the member crystallised their benefits before 6 April 2024. For example, where a member took payment of an LGPS pension on 30 October 2022 and dies on 30 June 2025, payment of the death grant would not be an RBCE because the benefits have already been tested against the LTA.

In these circumstances, the payment of a D B L S D B / U F L S D B will not reduce the deceased member’s LSDBA and there is no requirement to inform the personal representatives of the payment.

#### Tax treatment

The tax treatment of a D B L S D B / U F L S D B remains broadly the same, except it is now tested against the deceased member’s L S D B A instead of their LTA.

##### Death under age 75 - paid within the two-year period

A D B L S D B / U F L S D B from the L G P S is tax-free if it is paid:

* in respect of a person who dies under age 75, and
* the lump sum(s) is paid within the relevant two-year period.

This is unless the D B L S D B / U F L S D B exceeds the deceased member’s available [L S D B A](#_The_Lump_Sum). In this case, the excess is taxed at the beneficiary’s marginal rate. The personal representative is responsible for assessing if the LSDBA has been exceeded, as well as calculating and reporting this tax.

Any D B L S D B / U F L S D B paid within the L S D B A will reduce the amount available for future RBCEs.

##### Death under age 75 – not paid within the two-year period

A D B L S D B / U F L S D B paid after the two-year period in respect of a person who dies under age 75 is taxed:

* as the beneficiaries’ income, or
* subject to the special lump sum death benefits charge, if paid to a non-qualifying person (usually the personal representatives).

You remain responsible for deducting and reporting this tax.

The L G P S regulations in England and Wales require that any death grant paid after the two-year period is paid to the personal representatives. This means it will always be subject to the special lump sum death benefits charge.

If a D B L S D B / U F L S D B is subject to tax, it does not reduce the [L S D B A](#_The_Lump_Sum).

##### Death age 75 or older

An U F L S D B paid in respect of a member who dies age 75 or older is taxed:

* as the beneficiaries’ income, or
* subject to the special lump sum death benefits charge, if paid to a non-qualifying person (usually the personal representatives).

You remain responsible for deducting and reporting this tax.

Note: it is not possible to pay a DBLSDB where the member dies age 75 or older.

See [PTM073010](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm073010#TypesOfTax) for more information covering the tax on lump sum death benefits.

### Non-qualifying person

A non-qualifying person is usually the personal representative, though the definition also includes a trustee, a director of a company, a partner in a firm or a member of a limited liability partnership. It is not an individual.

A non-qualifying person does not include a person to whom any lump sum death benefits are paid if the payment is made to the person in their capacity as a bare trustee. A bare trustee is a person acting as a trustee.

### Interest for late payment on a death grant

It was agreed at Technical Group in 2010 that interest for late payment of a death grant should be treated as part of the death benefit lump sum, rather than treating it as a scheme administration member payment (SAMP). HMRC confirmed it was happy with this approach when the LTA regime was introduced in 2006.

This approach means both the lump sum death benefit and interest are tested against the LSDBA. You will need to include any interest paid in the LSDBA used amount when you send the RBCE statement to the personal representative.

## Issuing R B C E statements

You are required to provide the member, or their personal representative, with an [R B C E](#_Relevant_Benefits_Crystallisation) statement when an RBCE occurs. You must do this:

* within three months of the RBCE, where there is no right to an ongoing pension eg payment of a death grant, or
* annually where there is a right to an ongoing pension.

In practice, most administering authorities will always include a statement when benefits are paid and annually where there is an ongoing right to a pension.

You must provide a statement even if the payment is fully taxable and uses up no allowance. There is no provision under regulation 14 of [the Registered Pension Schemes (Provision of Information) Regulations 2006](https://www.legislation.gov.uk/uksi/2006/567/contents/made) to withhold a statement in these circumstances.

The statement must contain the monetary value of the [L S A](#_Lump_Sum_Allowance_1) and [L S D B A](#_The_Lump_Sum) used up by the RBCE (not the available amounts). This enables the member to calculate their remaining allowances and accurately complete any tax return. They will also use the RBCE statement if they have subsequent RBCEs.

If the L S A and L S D B A are the same, you may report just one figure. However, the statement or accompanying information must make clear there are two allowances and the member is receiving one figure because the amount used up of each allowance is the same.

### Overseas transfers

If the statement is in respect of a transfer to a [Q ROPS](#_Paying_a_Q) the statement must include:

* how much of the member’s [O T A](#_Paying_a_Q) has been used by the transfer
* if the transfer is taxable, the transferred value of the transfer and the [O T C](#_Paying_a_Q) has been deducted
* if there is no O T A, the reason why and, where applicable, the section under the Finance Act as to which it is excluded.

### Annually

Following an [R B C E](#_Relevant_Benefits_Crystallisation), you should send an RBCE statement every year to members who are paid an annual pension. The annual statement must also be sent to members over age 75. This is because, unlike under the [L T A](#_Primary_Protection) regime, from 6 April 2024 there is no test at age 75 against the new allowances.

H M R C is considering what an annual statement should show where the member has a TTFAC.

You must also send an annual statement to members who:

* were receiving an annual [B C E](#_Enhanced_Protection) statement before 6 April 2024
* had received an annual B C E statement but these stopped because the member turned 75.

For these statements, you will need to convert the percentage of L T A used into a monetary amount of L S A and L S D B A used. You use the standard transitional calculation of 25 per cent of L T A used to do this - unless the member has supplied you with a TTFAC.

You can continue to use P60s to provide this information. If you do, the annual statement must be issued by 31 May following the end of the tax year to which it relates.

### Transitional provisions

There is a transitional provision for members who:

* received a B C E statement but are not receiving pension income, and
* have uncrystallised rights in the LGPS on 5 April 2024.

You must provide these members with a B C E statement before 6 April 2025. Our understanding is this applies where you are not currently providing an annual B C E statement. For example:

* members with suspended tier three ill health pensions
* members who have had a test against the L T A at age 75 but have not yet taken their benefits
* members who transferred to a [Q ROPS](#_Paying_a_Q) leaving their guaranteed minimum pension in the L G P S.

## Paying tax on lump sums and reporting

### General

Where tax is due on a lump sum because the LSA or LSDBA have been exceeded it is taxed at the member’s marginal rate.

Where tax is due on a DBLSDB or UFLSDB because the LSDBA has been exceeded, the personal representative is responsible for calculating and reporting the tax.

You remain responsible for deducting and reporting tax on a DBLSDB or UFLSDB where it is paid:

* outside of the two-year limit, or
* where the member dies age 75 or older – UFPLS only.

See [PTM162000](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm162000) for more information.

Other than the special lump sum death benefits charge, all taxable lump sums must be paid and reported through P A Y E payroll reporting (this is different to the L T A charge which used the accounting for tax (A F T) return). See H M R C [employer guide to PAYE and National Insurance contributions](https://www.gov.uk/government/publications/cwg2-further-guide-to-paye-and-national-insurance-contributions) for more information.

### P C E L S - tax and reporting

All of a [P C E L S](#_Paying_a_PCELS) is taxable. Tax deducted must be reported and paid using P A Y E payroll reporting.

###### : P C L S & P C E LS  payable

Member is paid a [P C L S](#_C_T_S:) and a P C E L S.

You will need to pay the P C L S tax free.

You will need to process the P C E L S through the payroll as a taxable payment.

H M R C indicated in its [December 2023 lifetime allowance guidance newsletter](https://www.gov.uk/government/publications/lifetime-allowance-guidance-newsletter-december-2023/lifetime-allowance-guidance-newsletter-december-2023) you should continue to follow the guidance in its [March 2023 lifetime allowance guidance newsletter](https://www.gov.uk/government/publications/lifetime-allowance-guidance-newsletter-march-2023/lifetime-allowance-guidance-newsletter-march-2023).

The guidance states the P C E L S is treated as pension income and taxed under P A Y E. Where the member:

* has a P45 dated in the same tax year in which the P C E L S is being paid - use the tax code on the P45 on a Month 1 basis
* does not have a P45 dated in the same tax year - use the emergency tax code on a Month 1 basis.

You should then issue a P45 to the member because the P C E L S is a one-off payment. We have queried with H M R C why we would issue a P45 where the member is also receiving a pension in payment. We will update this guide with the outcome.

H M R C’s [employer guide to PAYE and National Insurance contributions](https://www.gov.uk/government/publications/cwg2-further-guide-to-paye-and-national-insurance-contributions) will be updated for the 2024/25 tax year to include P C E L S guidance.

Where the emergency tax code is used on a month 1 basis, members may have paid too much tax. They can submit [form P53Z](https://www.gov.uk/guidance/claim-a-tax-refund-when-youve-flexibly-accessed-all-of-your-pension-p53z) to claim a refund of overpaid tax. Otherwise, H M R C will review the member’s tax position at the end of the tax year and will notify them if tax has been overpaid or underpaid.

### S I H L S - reporting

A [S I H L S](#_Paying_a_SIHLS) must be reported on event 24 if it exceeds the individual’s LSDBA. This applies even if the payment is fully taxable – this is because it is still a relevant R B CE.

When paying a [S I H L S](#_Paying_a_SIHLS) to a member under age 75 that exceeds the member’s available L S D B A, the excess is taxable.

When paying a S I H L S to a member aged over 75, all of the SIHLS is taxable.

You must pay the tax deducted through P A Y E payroll reporting. Both the taxable and non-taxable parts of the payment must be reported. See H M R C [employer guide to PAYE and National Insurance contributions](https://www.gov.uk/government/publications/cwg2-further-guide-to-paye-and-national-insurance-contributions) for more information.

### Q ROPS – reporting a transfer

The existing process remains. Where an overseas transfer charge is due, you should continue to deduct the charge before paying the transfer, and then report and pay this using the A F T process.

Forms will be amended so you are able to report the transfer subject to the [O T C](#_Paying_a_Q) and to also include details of the member’s available [O T A](#_Paying_a_Q) on making the transfer.

### New event 24

From 6 April 2024 new event 24 is added to the list of reportable events.

Event 24 reporting applies following an [R B C E](#_Relevant_Benefits_Crystallisation) where:

* a lump sum (other than a lump sum death benefit) paid exceeds an individual’s available [L S A](#_Lump_Sum_Allowance_1) or [L S D B A](#_The_Lump_Sum) (or would have done if the individual had not been relying on a protection or enhancement)
* the aggregate of lump sum death benefits paid by the administering authority exceeds the LSDBA limit of £1,073,100.

Event 24 is used to communicate to H M R C the marginal tax rate paid on the excess and the presence of any valid protection.

Where the reporting requirement relates to a lump sum death benefit, you do not need to confirm that any tax due has been paid. The tax position will be dealt with by the personal representative.

A [P C E L S](#_Paying_a_PCELS) and de minimis small pot payments are not reportable under Event 24 as they are not R B C Es. The payment of a P C E L S will need to be reported under R T I as the full amount is taxed as pension income. Small pot payments continue to be reported under R T I.

### Events removed from the list of reportable events

From 6 April 2024, the following events are removed from the list of reportable events:

* event 2 - payments exceeding 50 per cent of standard [L T A](#_Primary_Protection)
* event 6 - [BCEs](#_Enhanced_Protection) and non-standard L T As
* event 7 - [P C L S](#_C_T_S:) of over 25 per cent of rights crystallised or more than 7.5 per cent of the standard L T A
* event 8 - P C L S: primary and enhanced protection provisions of schedule 36
* event 8a - [SAL](#_Serious_ill-health_lump)S

## Communications

You will need to consider:

* Reviewing all letters, forms, factsheets, employer guides, member guides and website pages to make sure all references to the [L T A](#_Primary_Protection) and associated terminology are replaced with information about the [LSA](#_Lump_Sum_Allowance_1), [L S D B A](#_The_Lump_Sum) and [O T A](#_Paying_a_Q).
* Informing members they are entitled to apply for TTFAC before their first RBCE. You should include information about this in your standard quotation letters and provide information about the application process. You may also wish to publicise it via newsletters and on websites.
* Contacting members who hold a valid L T A protection to make sure they are aware of the changes and how they will be impacted.
* Inform members who may wish to apply for an L T A protection of the 5 April 2025 deadline.
* Notify employers of the changes so the impact can be factored into any retirement discussions.

## Changes to key processes

You will need to:

* Update your retirement process to ensure you collect relevant information about benefits paid previously. You need this information to calculate a member’s available [L S A and L S D B A](#_Availability_of_the).
* Update your overseas transfer process.
* Create a process for assessing evidence and issuing [T TFACs](#_Transitional_tax-free_amount).
* Update your yearly BCE statement process to ensure the requirements for issuing [R B C E statements](#_C__T) are met. This will include converting LTA percentages on previous BCE statements to LSA and LSDBA used amounts and sending statements to members aged 75 and older.
* Create a process for issuing BCE statements by 5 April 2025 for members covered by the [transitional provisions](#_Transitional_provisions).
* Update your one-off BCE statement process to reflect the changes needed to issue one-off RBCE statements.
* Update your processes to account for the removal of [B C Es](#_Enhanced_Protection), in particular B C E 5.
* Update P A Y E payroll processes to make sure lump sums are correctly taxed and reported from 6 April 2024.
* Update your reporting requirements, ensuring you take account of new event 24.

## Other resources

The relevant Pensions Tax Manual (PTM) pages are:

[PTM170001 – LSA and LSDBA](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm170001)

[PTM102200 – the overseas transfer allowance](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm102200#ota)

[Archived PTM containing information about lifetime allowance](https://webarchive.nationalarchives.gov.uk/ukgwa/20240304185243/https:/www.gov.uk/hmrc-internal-manuals/pensions-tax-manual)

[HMRC LTA abolition – FAQs](https://www.gov.uk/government/publications/pensions-schemes-newsletter-159-april-2024/lifetime-allowance-lta-abolition-frequently-asked-questions)

[HMRC pension schemes newsletters](https://www.gov.uk/government/collections/hm-revenue-and-customs-pension-schemes-newsletters#2024)

## Glossary

#### Benefit Crystallisation Event (B C E)

A B C E was an event before 6 April 2024 when you tested the value of benefits being taken against a member’s available [L T A](#_Primary_Protection).

The following table sets out the before and after position. Also see [archived PTM088100](https://webarchive.nationalarchives.gov.uk/ukgwa/20221206115421/https:/www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm088100) for more information.

| In force before 6/4/24 | Remaining for annual allowance purpose | Description | Applies to LGPS |
| --- | --- | --- | --- |
| B C E 1 | Yes | Where funds are designated to provide a member with a drawdown pension. | No |
| B C E 2 | Yes | When a pension (including deferred benefits) come into payment on retirement. Including where an additional voluntary contribution (A V C) annuity or an A V C top up L G P S pension, comes into payment. | Yes |
| B C E 3 | Yes | When a pension in payment increases by more than the permitted maximum. The permitted maximum is the higher of 5 per cent or the retail price index. | Yes |
| B C E 4 | Yes | Where a member uses their A V C fund to purchase a lifetime annuity. | Yes |
| B C E 5 | No | Where a member reaches age 75 and has not taken their benefits from the scheme. | Yes |
| B C E 5A | No | Where a member reaches age 75 with a drawdown pension fund/flexi-access drawdown fund. | No |
| B C E 5B | No | Where a member reaches age 75 with remaining unused funds in a money purchase arrangement. | Yes |
| B C E 5C | No | Where a member dies before age 75 and any uncrystallised funds are designated to provide dependants’/nominees’ flexi-access drawdown pension. | No |
| B C E 5D | No | Where a member dies before age 75 and any uncrystallised funds are used to buy a dependants’ nominees’ annuity | No |
| B C E 6 | Yes | When a lump sum retirement grant is paid, including a lump sum from A V C. When benefits are commuted due to serious ill health. | Yes |
| B C E 7 | No | When a lump sum death grant is paid, including the value of any A V C fund paid on death or life insurance , as a result of an active member paying A V Cs. | Yes |
| B C E 8 | No | Where a member transfers their benefits to a Q ROPS. | Yes |
| B C E 9 | No | Certain payments prescribed in regulations:   * payments of arrears of pension after death * excessive P C L S based on pension errors * P C L S type lump sums paid after death. | Yes |

#### Capital Value

The capital value of a member’s pension benefits is how much they are valued.

This is generally calculated by multiplying the annual pension by a standard factor of 20 and adding the lump sum (capital value = (P × 20) + L S).

However, for a [pre-commencement pension](#_Pre-commencement_pension) the capital value = P × 25.

#### Enhanced Protection

Exempts the holder from paying [L T A](#_Primary_Protection) charges.

The Government will bring forward legislation to allow individuals with enhanced protection to transfer their savings to a new provider without losing their protection – until amending legislation is in force members with enhanced protection may wish to delay transferring to a new provider.

#### Fixed Protection 2012

Fixed the [L T A](#_Primary_Protection) for the holder at £1.8 million.

#### Fixed Protection 2014

Fixed the [L T A](#_Primary_Protection) for the holder at £1.5 million.

#### Fixed Protection 2016

Fixed the [L T A](#_Primary_Protection) for the holder at £1.25 million. Previously, fixed protection 2016 was lost if the value of holder’s pension benefits increased beyond the ‘relevant percentage’ for a tax year. In the L G P S this was the consumer price index rate from the previous September. This meant holders who wanted to retain fixed protection 2016 could not continue to build up benefits after 5 April 2016.

From 6 April 2023, those who registered for fixed protection 2016 by 15March 2023 could resume contributions to a pension arrangement after 5 April 2023, without losing their protection. Those who register for fixed protection 2016 after 15 March 2023, will lose their protection if their benefits increase beyond the ‘relevant percentage’. Subject to certain restrictions individuals can submit applications for fixed protection 2016 up to 5 April 2025. These can be submitted online on the [HMRC website](https://www.gov.uk/guidance/pension-schemes-protect-your-lifetime-allowance).

#### Individual Protection 2014

For individuals with pension savings over £1.25 million, fixed protection 2014 fixed the [L T A](#_Primary_Protection) for the holder at a relevant amount but no more than £1.5 million. This means the individual’s L T A can range from £1.25 million to £1.5 million.

#### Individual Protection 2016

For individuals with pension savings over £1 million, individual protection 2016 fixed the [L T A](#_Primary_Protection) for the holder at a relevant amount but no more than £1.25 million. This means the individual’s L T A can range from £1 million to £1.25 million. The member can continue to contribute to their pension scheme to build up further benefits without losing this protection. If the holder’s protected L T A at retirement is lower than £1,073,100, the pension commencement lump sum limit of £268,275 would apply.

Subject to certain restrictions individuals can submit applications for individual protection 2016 up to 5 April 2025. These can be submitted online on the [HMRC website](https://www.gov.uk/guidance/pension-schemes-protect-your-lifetime-allowance).

#### Lifetime Allowance (L T A)

The L T A was the limit on the amount of savings that an individual can build up in all their pension arrangements without incurring a tax charge before 6 April 2024.

See [archived PTM080000](https://webarchive.nationalarchives.gov.uk/ukgwa/20221206115024/https:/www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm080000) for more information.

#### Lifetime Allowance Excess Lump Sum (L T A E L S)

The L T A E L S is a lump sum paid to members where they exceeded the [L T A](#_Primary_Protection). It was abolished on 5 April 2024, though it can be paid after 5 April 2024 where the [B C E](#_Enhanced_Protection) took place before 6 April 2024.

#### Normal Minimum Pension Age (N M P A)

N M P A is age 55 unless a member is a protected member.

See [PTM020000](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm028000) for more information.

#### Primary Protection

Protects individuals who had pension savings of over £1.5 million on 5 April 2006. Individuals gained an [L T A](#_Primary_Protection) greater than the standard L T A by applying an enhancement factor.

#### Relevant Benefit Crystallisation Event (R B C E)

An RBCE takes place when a relevant lump sum is paid.

An R B C E can only occur from 6 April 2024. Tax-free lump sums paid at an R B C E that are within the L S A and L S D B A will reduce the amount available of that allowance at any future R B C E.

An R B C E is defined in section 637 of the Income Tax (Earnings and Pensions) Act 2003.

#### Stand-alone lump sum (SALS)

A lump sum paid to a member who, on 5 April 2006, had a right to take all their scheme benefits as a tax-free lump sum. SALSs are not payable from the LGPS. See [PTM063130](https://www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm063130#standalone) for more information.

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