

2025 No.

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

**The Local Government Pension Scheme (Miscellaneous
Amendments) Regulations 2025**

Made - - - -

Laid before Parliament

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 7, 12 and 24 of the Superannuation Act 1972(a) (“the 1972 Act”), sections 1, 3 and 25 of, and paragraphs 1 to 3, 6, 9 to 12 and 14 of Schedule 3 to, the Public Service Pensions Act 2013(b) (“the 2013 Act”) and sections 78, 80(1) and (3), 84 and 85(2)(f) of the Public Service Pensions and Judicial Offices Act 2022(c).

In accordance with section 7(5) of the 1972 Act, the Secretary of State consulted such associations of local authorities as appeared to the Secretary of State to be concerned; the local authorities with whom consultation appeared to the Secretary of State to be desirable; and such representatives of other persons likely to be affected by the Regulations as appeared to the Secretary of State to be appropriate.

In accordance with section 21 of the 2013 Act, the Secretary of State has consulted the representatives of such persons as appeared to the Secretary of State to be likely to be affected by these regulations.

The retrospective provisions contained in these regulations do not appear to the Secretary of State to have significant adverse effects in relation to the pension payable to or in respect of members of the scheme established by the Local Government Pension Scheme Regulations 2013(d) or the schemes preserved by the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(e), nor in any other way in relation to members of those

- (a) 1972 c. 11. Section 7 was amended by paragraph 8 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25). Section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7). Section 24 was amended by paragraph 10 of Schedule 2 to the Police Pensions Act 1976 (c. 35), paragraph 37 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21), paragraph 11 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25), and S.I. 2004/2306 and 2004/2918.
- (b) 2013 c. 25 (“the 2013 Act”). Section 3 and paragraph 12 of Schedule 3 were amended by sections 94 and 100 of the Public Service Pensions and Judicial Offices Act 2022 (c. 7). See section 28 of the 2013 Act which provides for regulations made under section 7 of the Superannuation 1972 (c. 11) to have effect as scheme regulations under section 1 of the 2013 Act.
- (c) 2022 c. 7.
- (d) S.I. 2013/2356, amended by S.I. 2014/1146, 2015/755, 2018/493, 2020/123, 2020/179, 2020/893, 2021/272, 2023/187, 2023/972; there are other amendments not relevant to these Regulations.
- (e) S.I. 2014/525; relevant amending instruments are S.I. 2015/755, 2018/493, 2018/1366, 2019/1449.

schemes. Accordingly, the procedures set out in section 23 of the 2013 Act are not applicable in respect of these Regulations.

In accordance with section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Miscellaneous Amendments) Regulations 2025.

(2) These Regulations come into force on [XXX], save for the following regulations which have effect as follows—

- (a) this regulation and regulations 3, 18, 21, 24, 41, 42, 43(1)(a) and (2) and 50 have effect from 1st April 2014 (subject to paragraph (3));
- (b) regulations 4, 11(a), 13(b), 37, 38, 39(c), (d) and (h), 48, 52, 53(b) and 54 have effect from 11:00pm on 31st December 2020;
- (c) regulations 33, 44 to 46 and 55 to 59 have effect from 1st October 2023;
- (d) regulation 40(a) has effect from 24th February 2024.

(3) To the extent that regulation 17(9) to (13) of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 has been amended with an effective date earlier than 1st April 2014, the revocation effected by regulation 50(1)(g) (and, to the extent necessary to facilitate that revocation, this regulation and regulation 42) has effect from that earlier date(a).

(4) These Regulations extend to England and Wales.

PART 2

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

SB01 Amendments to regulation 7 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

2. Regulation 7 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011(b) (death benefits) is amended as follows—

- (a) in paragraph (1)(iii) omit “nominated”;
- (b) for paragraph (4) substitute—

(a) See S.I. 2018/1366, which purported to amend regulation 17(9)(c) to (e), (11)(a), (b) and (c), (12) and (13) with effect from 5th December 2005 in relation to the surviving civil partner of a member and with effect from 13th March 2014 in relation to the surviving spouse of a same-sex marriage with a member.

(b) S.I. 2011/2954, to which there are amendments not relevant to these Regulations.

“(4) “Cohabiting partner” means a person who the relevant employer is satisfied met the following conditions for a continuous period of at least 2 years ending on the date the person employed in a relevant employment (B) died—

- (a) B was able to marry or form a civil partnership with A;
 - (b) B and A were living together as if they were married or as if they were civil partners;
 - (c) neither B nor A was living with a third person as if they were married or as if they were civil partners; and
 - (d) either A was financially dependent on B, or B and A were financially interdependent.”;
- (c) in paragraph (5)(b) omit “nominated”.

PART 3

The Local Government Pension Scheme Regulations 2013

Amendment of the Local Government Pension Scheme Regulations 2013

3. The Local Government Pension Scheme Regulations 2013(a) are amended in accordance with regulations 4 to 41.

EU01 Amendments to regulation 3

4. In regulation 3(7) (active membership)—

- (a) in sub-paragraph (b) omit “or under a European pensions institution”;
- (b) in sub-paragraph (c) omit “or under a European pensions institution”.

OO01 Amendments to regulation 5

5. After regulation 5(5) insert—

“(6) A notice under paragraph (2) must be given in the form approved for that purpose from time to time by the Local Government Pension Scheme Advisory Board(b).”.

GPG01 Amendments to regulation 11

6. After regulation 11(4) (contributions during absence from work) insert—

“(5) An active member who is absent from work with permission from the member’s Scheme employer (otherwise than on child-related leave, on reserve forces service leave, or by reason of illness or injury) for a continuous period of less than 31 days and is receiving reduced or no pensionable pay must pay contributions under regulations 9 or 10 on the pensionable pay the member would have received in respect of that period but for the absence.

(6) In paragraph (5) the expression “absent from work with permission” does not include an absence due to a trade dispute.”.

(a) S.I. 2013/2356, amended by S.I. 2014/1146, 2015/755, 2018/493, 2020/123, 2020/179, 893, 2021/272, 2023/187, 972; there are other amendments not relevant to these Regulations.

(b) See regulation 110(1) for the definition of “the Local Government Pension Scheme Advisory Board”. Section 3(3)(c) of the Public Service Pensions Act 2013 provides power for these Regulations to allow any person to exercise a discretion.

GPG02 Amendments to regulation 12

7. In regulation 12(2) (contributions during child-related leave), for “or ordinary adoption leave” substitute “, ordinary adoption leave, additional maternity or adoption leave, or shared parental leave”.

GPG03 Amendments to regulation 15

8. In regulation 15 (employer contributions during absences)—

(a) [GPG: APP]in paragraph (2)—

(i) The words from “a Scheme employer” to “absent from employment” become the opening words;

(ii) the words “by reason of illness or injury” become sub-paragraph (a);

(iii) after sub-paragraph (a) insert—

“(b) on unpaid leave to which regulation 11(5) applies.”;

(b) [GPG: LPP]after paragraph 3 insert—

“(3A) A scheme employer must pay contributions on the lost pensionable pay of an active member on unpaid leave to which regulation 11(5) applies.”.

(c) in paragraph (4)(b) omit “additional maternity leave, additional adoption leave” and “shared parental leave”;

(d) after paragraph (4) insert—

“(4A) This paragraph applies if an active member who is absent from work with permission for a continuous period of more than 30 days with no pensionable pay otherwise than because of illness or injury, child-related leave or reserve force service leave elects to enter into an arrangement to pay additional pension contributions under regulation 16 (additional pension contributions) to cover that period of absence.

(4B) Where paragraph (4A) applies, the member’s scheme employer must pay contributions under regulation 16(2)(e) or (4)(d) (shared cost additional pension contributions) to meet the cost specified in regulation 16(8A)(b).”;

(e) omit paragraphs (5) and (6);

(f) in paragraph (7) for “(5)” substitute “(4A)”.

GPG04 Amendments to regulation 16

9. In regulation 16 (additional pension contributions)—

(a) in paragraph (7), at the start insert “Subject to paragraph (8A)”;

(b) after paragraph (8) insert—

“(8A) Where an arrangement is one to which regulation 15(4A) (employer contributions during absences) applies, and an application is made by the member to make the arrangements before the expiry of the period mentioned in paragraph (16), the amount of the contributions to be paid in respect of that arrangement under this regulation is the total of—

(a) the amount of contributions that the member would have paid under regulation 9 (contributions) or 10 (temporary reduction in contributions) in respect of that period if they had not been absent from work with permission with no pensionable pay, and

- (b) the amount of contributions that the employer would have paid under regulation 67 (employer's contributions) in respect of the member for that period if they had not been absent from work with permission with no pensionable pay.”;
- (c) in paragraph (10), at the start insert “Subject to paragraph (10A)”;
- (d) after paragraph (10) insert—

“(10A) Paragraph (10) does not apply in respect of an application by a member to make an arrangement to which regulation 15(4A) applies which made before the expiry of the period mentioned in paragraph (16).”;
- (e) in paragraph (12), at the start insert “Subject to paragraph (12A)”;
- (f) after paragraph (12) insert—

“(12A) Paragraph (12) does not apply in respect of an arrangement to which regulation 15(4A) applies.”;
- (g) in paragraph (16)—
 - (i) for “15(5)” substitute “15(4A)”;
 - (ii) for “30 days” substitute “one year”;
- (h) in paragraph (17)(a) omit “additional maternity leave, additional adoption leave” and “shared parental leave”.

AVC01 Amendments to regulation 17

10. In regulation 17 (additional voluntary contributions)—

- (a) omit paragraph (10);
- (b) in paragraph (13) omit “or (14)”;
- (c) omit paragraph (14).

EU02MISC01 Amendments to regulation 18

11. In regulation 18 (rights to return of contributions)—

- (a) in paragraph (1)(d) omit “or from a pension scheme or arrangement of a European Pensions Institution”;
- (b) for paragraph (5) substitute—

“(5) An administering authority must refund contributions to a person entitled under paragraph (1)—

- (a) when the person requests payment, or
- (b) if no payment has been made before then, on the day before the person attains the age of 75.

(5A) An administering authority may refund contributions to a person entitled under paragraph (1) at any point after the expiry of a period of five years beginning with the date when the person's active membership ceased if no request under paragraph (5)(a) is made before then.

(5B) If the administering authority considers that it will be unable to refund contributions to a person entitled under paragraph (1) on the date specified in paragraph (5)(b) because it does not have sufficient information to enable it to do so, the administering authority must make reasonable attempts to obtain that information.”.

MISC02 Amendments to regulation 19

12. In regulation 19(1) (exclusion of right to return of contributions)—

- (a) omit the “or” after sub-paragraph (d);
- (b) after sub-paragraph (e) insert—

“; or

- (f) is aged 75 or over.”.

EU03GPG05 Amendments to regulation 20

13. In regulation 20 (meaning of pensionable pay)—

- (a) [GPG:LPP]in paragraph (1) after “(assumed pensionable pay)” insert “and regulation 21(A) (lost pensionable pay)”;
- (b) in paragraph (2)(j)—
 - (i) insert “or” after paragraph (ii);
 - (ii) omit the “or” after paragraph (iii);
 - (iii) omit paragraph (iv).

GPG06 Amendments to regulation 21

14. [GPG:APP]In regulation 21(2) (assumed pensionable pay)—

- (a) omit the “or” after sub-paragraph (b);
- (b) after sub-paragraph (c) insert—

“or

- (d) is on unpaid leave to which regulation 11(5) applies.”.

GPG07 Insertion of new regulation 21A

15. [GPG:LPP]After new regulation 21 (assumed pensionable pay) insert—

“Lost pensionable pay

21A.—(1) During the period the circumstance specified in paragraph (2) applies in relation to an employment, the pensionable pay that an active member is, in relation to that employment, treated as receiving for the purposes of these Regulations (including this regulation), other than regulations 9 to 14 (contributions), is that member’s lost pensionable pay calculated in accordance with paragraph (3).

(2) The circumstance specified in paragraph (1) is that the member is on unpaid leave to which regulation 11(5) applies.

(3) The lost pensionable pay is the pay that the member would have received if they had been at work receiving their normal pay during the period of absence to which regulation 11(5) relates.

(4) In paragraph (3) “normal pay” excludes any overtime and bonuses that the member would have received in addition to their contractual pay.”.

MISC03 Amendment to regulation 27

16. In regulation 27(5) (flexible retirement pension accounts) before “takes effect from” insert “the revaluation adjustment”.

GPG08 Amendment to regulation 30

17. In regulation 30(7A) (retirement benefits) after “regulation 16 (additional pension contributions) insert “other than additional pension to which regulation 15(4A) (employer contributions during absences) applied”.

SB02 Amendments to regulation 40

18. In regulation 40 (death grants: active members)—

- (a) in paragraph (1), omit “before attaining the age of 75”;
- (b) omit paragraph (4).

GPG09MISC4 Amendments to regulation 41

19. In regulation 41 (survivor benefits: partners of active members)—

- (a) for paragraph (4)(a)(iii) substitute—

“(iii) the pension excluded—

(aa) additional pension purchased under regulation 16 (additional pension contributions) other than additional pension to which regulation 15(4A) (employer contributions during absences) applied, and

(bb) any additional pension awarded under regulation 31 (award of additional pension).”;

- (b) in paragraph (5) before “takes effect from” insert “the revaluation adjustment”.

GPG10MISC5 Amendments to regulation 42

20. In regulation 42 (survivor benefits: children of active members)—

- (a) for paragraphs (4)(a)(iii), (5)(a)(iii), (9)(a)(iii) and (10)(a)(iii) substitute—

“(iii) the pension excluded—

(aa) additional pension purchased under regulation 16 (additional pension contributions) other than additional pension to which regulation 15(4A) (employer contributions during absences) applied, and

(bb) any additional pension awarded under regulation 31 (award of additional pension).”;

- (b) in paragraph (4) omit sub-paragraph (aa);

- (c) after paragraph (4) insert—

“(4A) For the purposes of paragraph (4)(a), if the member died in the period beginning with 1st April and ending with 5th April in any Scheme year, the pension is deemed to include the revaluation adjustment that would have been due at the next revaluation date.”;

- (d) in paragraph (5) omit sub-paragraph (aa);

- (e) after paragraph (5) insert—

“(5A) For the purposes of paragraph (5)(a), if the member died in the period beginning with 1st April and ending with 5th April in any Scheme year, the pension is deemed to include the revaluation adjustment that would have been due at the next revaluation date.”;

- (f) in paragraph (9) omit sub-paragraph (aa);

(g) after paragraph (9) insert—

“(9A) For the purposes of paragraph (9)(a), if the member died in the period beginning with 1st April and ending with 5th April in any Scheme year, the pension is deemed to include the revaluation adjustment that would have been due at the next revaluation date.”;

(h) in paragraph (10) omit sub-paragraph (aa);

(i) after paragraph (10) insert—

“(10A) For the purposes of paragraph (10)(a), if the member died in the period beginning with 1st April and ending with 5th April in any Scheme year, the pension is deemed to include the revaluation adjustment that would have been due at the next revaluation date.”;

(j) in paragraph (12) before “takes effect from” insert “the revaluation adjustment”.

SB03 Amendment to regulation 43

21. In regulation 43 (death grants: deferred members, pension credit members and deferred pensioner members) omit paragraph (4).

GPG11MISC6 Amendments to regulation 44

22. In regulation 44 (survivor benefits: partners of deferred members and deferred pensioner members)—

(a) for paragraph (4)(c) substitute—

“(c) the pension excluded—

(i) additional pension purchased under regulation 16 (additional pension contributions) other than additional pension to which regulation 15(4A) (employer contributions during absences) applied, and

(ii) any additional pension awarded under regulation 31 (award of additional pension).”;

(b) in paragraph (5), before “takes effect from” insert “the revaluation adjustment”.

GPG12MISC7 Amendments to regulation 45

23. In regulation 45 (survivor benefits: children of deferred members)—

(a) for paragraphs (4)(c), (5)(c), (9)(c) and (10)(c) substitute—

“(c) the pension excluded—

(i) additional pension purchased under regulation 16 (additional pension contributions) other than additional pension to which regulation 15(4A) (employer contributions during absences) applied, and

(ii) any additional pension awarded under regulation 31 (award of additional pension).”;

(b) in paragraph (12) before “takes effect from” insert “the revaluation adjustment”.

SB04 Amendments to regulation 46

24. In regulation 46 (death grants: pensioner members)—

(a) in paragraph (1) omit “before attaining the age of 75”;

(b) omit paragraph (5).

GPG13MISC8Amendments to regulation 47

25. In regulation 47 (survivor benefits: partners of pensioner members)—

(a) for paragraph (4)(d) substitute—

“(d) the pension excluded—

- (i) additional pension purchased under regulation 16 (additional pension contributions) other than additional pension to which regulation 15(4A) (employer contributions during absences) applied, and
- (ii) any additional pension awarded under regulation 31 (award of additional pension);”;

(b) in paragraph (5) before “takes effect from” insert “the revaluation adjustment”.

GPG14MISC9Amendments to regulation 48

26. In regulation 48 (survivor benefits: children of pensioner members)—

(a) for paragraphs (4)(e), (5)(e), (9)(e) and (10)(e) substitute—

“(e) the pension excluded—

- (i) additional pension purchased under regulation 16 (additional pension contributions) other than additional pension to which regulation 15(4A) (employer contributions during absences) applied, and
- (ii) any additional pension awarded under regulation 31 (award of additional pension); and”;

(b) in paragraph (12) before “takes effect from” insert “the revaluation adjustment”.

LTA01 Revocation of regulation 50

27. Omit regulation 50 (limit on total amount of benefits).

OO02 Amendments to regulation 57

28. In regulation 57(1) (pension fund annual report)—

(a) after sub-paragraph (j) omit “and”;

(b) at the end of sub-paragraph (k) insert—

“and

- (l) a report on the number of persons eligible to be active members of the fund who have opted out of the Scheme under regulation 5(2) (ending active membership).”.

GPG15 Amendments to regulation 62

29. In regulation 62 (actuarial valuations of pension funds), after paragraph (3) insert—

“(3A) A report under paragraph (1)(b) must also contain a report on the gender pension gap within the fund, in accordance with actuarial guidance published by the Secretary of State(a).”.

(a) Section 3(3)(c) of the Public Service Pensions Act 2013 provides power for these Regulations to allow any person to exercise a discretion.

MISC10 Amendments to regulation 64

30. In regulation 64 (special circumstances where revised actuarial valuations and certificates must be obtained)—

- (a) in paragraph (7B)(a), for “Scheme” in the second place where it occurs substitute “fund”;
- (b) in paragraph (7E)(a), after “new active members” insert “in the relevant fund”.

GPG16 Amendments to regulation 67

31. In regulation 67 (employer’s contributions) in paragraph (4)—

- (a) [GPG:LPP]in sub-paragraph (a) omit the “and” at the end;
- (b) [GPG:APP]in sub-paragraph (b) after “child-related leave” insert “or unpaid leave to which regulation 11(5) applies;
- (c) [GPG:LPP]after sub-paragraph (b) insert—
 - “and
 - (c) the lost pensionable pay in respect of members on unpaid leave to which regulation 11(5) applies,”.

GPG17 Amendments to regulation 69

32. [GPG:LPP]In regulation 69 (payment by Scheme employers to administering authorities) in paragraphs (3)(a) and (3)(c) after “the assumed pensionable pay” insert “and the lost pensionable pay”.

McC01 Amendment to regulation 81

33. In regulation 81(A1)(b) (interest on late payment of certain benefits) for “regulation 14” substitute “regulation 14 or 15”.

F01 Amendments to regulation 91 and transitional provision

34.—(1) In regulation 91 (forfeiture of pension rights after conviction for employment-related offences)—

- (a) before paragraph (1) insert—
 - “(A1) This regulation applies where a person—
 - (a) has left an employment in which that person was or had at some time been a member of the Scheme, and
 - (b) has been convicted of a relevant offence.”;
- (b) in paragraph (1) for “If a member is convicted of a relevant offence” substitute “Where this regulation applies”;
- (c) in paragraph (2) omit “, and because of which the member left the employment”;
- (d) omit paragraph (8).

(2) The amendment made by paragraph (1)(d) does not apply to any application for a forfeiture certificate in respect of a relevant offence of which a member was convicted on or before [date three months before coming-into-force date].

F02 Revocation of regulation 92

35. Omit regulation 92 (interim payments directions).

F03 Amendments to regulation 93

36. In regulation 93(1) (recovery or retention where former member has a misconduct obligation)—

- (a) in sub-paragraph (a) omit the words from “in consequence” to the end;
- (b) for sub-paragraph (b) substitute—

“(b) has incurred some monetary obligation to the body that was the Scheme employer in that employment arising out of grave misconduct or a criminal, negligent or fraudulent act or omission in connection with that employment; and”.

EU04 Amendments to regulation 100

37. In regulation 100(2) (inward transfers of pension rights)—

- (a) omit the “and” after sub-paragraph (a);
- (b) omit sub-paragraph (b).

EU05 Revocation of regulation 102

38. Omit regulation 102 (EU scheme transfers).

INTERPRETAmendments to Schedule 1

39. In Schedule 1 (interpretation)—

- (a) in the definition of “benefit crystallisation event” for “section 216 of” substitute “Schedule 32 to”;
- (b) in the definition of “child related leave”, in paragraphs (c) and (f) omit “during which the member receives some pensionable pay”;
- (c) omit the definition of “European pensions institution”;
- (d) in the definition of “IRMP”—
 - (i) in paragraph (a) omit “or an equivalent qualification issued by a competent authority in an EEA state; and for the purposes of this definition, “competent authority” has the meaning given by section 55(1) of the Medical Act 1983”, and
 - (ii) in paragraph (b) omit “or an equivalent institution of an EEA state”.
- (e) [GPG:LPP]after the meaning of the “local pension board” insert —

“lost pensionable pay” has the meaning given by regulation 21A;”;
- (f) in the definition of “paternity leave” for “regulation 4 or 8 of the Paternity and Adoption Leave Regulations 2002” substitute “section 80A or 80B of the Employment Rights Act 1996(a)”;
- (g) [GPG:LPP]in the definition of “pensionable pay”—
 - (i) the words from “pensionable pay” to “by regulation 20 but” becomes the opening words;
 - (ii) the words from “if the circumstances” to the end become paragraph (a);

(a) 1996 c. 18. Section 80A was inserted by section 1 of the Employment Act 2002 (c. 22) and amended by section 118(6) of, and paragraph 32 of Schedule 7 to, the Children and Families Act 2014 (c. 6) and section 1 of the Paternity Leave (Bereavement) Act 2024. Section 80B was inserted by section 1 of the Employment Act 2002 (c. 22) and amended by sections 118(7), 121(2) and 128(2) of, and paragraph 33 of Schedule 7 to, the Children and Families Act 2014 (c. 6) and S.I. 2016/413.

(iii) after sub-paragraph (a) insert—

“(b) if the circumstances specified in regulation 21A(2) apply, references in these Regulations to a member’s pensionable pay are references to that member’s lost pensionable pay;”;

(h) in the definition of “transfer value payment” omit “or from a European pensions institution”.

MISC11 Amendments to Schedule 2

40. In Schedule 2 (Scheme employers)—

(a) in Part 1, after paragraph (28) insert—

“**29.** A combined county authority established by regulations under section 9(1) of the Levelling Up and Regeneration Act 2023(a).”;

(b) in Part 2, in paragraph (6) for “24” substitute “29”.

MISC12 Amendments to Schedule 3

41. In Part 2 of Schedule 3 (pension funds), in paragraph 4—

(a) at the end of sub-paragraph (a) omit “and”;

(b) after sub-paragraph (b) insert—

“, and

(c) may take effect on a date before the date on which it is given.”.

PART 4

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

Amendment of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

42. The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(b) are amended in accordance with regulations 43 to 51.

SB06LTA02 Amendments to regulation 3 and transitional provision

43.—(1) In regulation 3 (membership before 1st April 2014)—

(a) after paragraph (5A) insert—

“(5B) Notwithstanding paragraph (1)(a), in respect of the death of a member between 1st April 2008 and 31st March 2014 inclusive, the Benefits Regulations(c) have effect as if regulation 17(13A)(b) of these Regulations applied.

(5C) Notwithstanding paragraph (1)(a), in respect of the death of a member between 1st April 2008 and 31st March 2014 inclusive, the Administration Regulations(d) have effect as if—

(a) 2023 c. 55.

(b) S.I. 2014/525; relevant amending instruments are S.I. 2015/755, 2018/493, 2018/1366, 2019/1449.

(c) See regulation 1(6) of S.I. 2014/525 for the definition of “the Benefits Regulations”.

(d) See regulation 1(6) of S.I. 2014/525 for the definition of “the Administration Regulations”.

- (a) the word “nominated” was omitted from the following provisions—
 - (i) regulation 47(2) (exclusion of rights to return of contributions);
 - (ii) regulation 58(2)(a) (applications to resolve disagreements);
 - (iii) regulation 60(9)(b) (reference of disagreement for reconsideration by appropriate administering authority);
 - (iv) regulation 76(4)(b) (transfer of sums from the pension fund to compensate for former member’s misconduct);
 - (v) regulation 85(2)(b) (community scheme transferees);
- (b) in regulation 80(5)(a) (contracting-out requirements affecting transfers out) the words “or nominated cohabiting partner’s” were omitted.

(5D) Notwithstanding paragraph (1)(a), in respect of any death of a member between 5th December 2005 and 12th March 2014 inclusive, the Earlier Regulations^(a) have effect as if any survivor pension relating to that member were calculated in accordance with regulation 17(2)(b), (4), (13B)(a)(i), (13B)(a)(iii), (13B)(b) and (d), and (13C) of these Regulations.

(5E) Notwithstanding paragraph (1)(a), in respect of any death of a member between 13th March 2014 and 31st March 2014 inclusive, the Earlier Regulations have effect as if any survivor pension relating to that member were calculated in accordance with regulation 17(2)(b), (4), (13B)(a)(i) to (iii), (13B)(b) and (d), and (13C) of these Regulations.

(5F) Notwithstanding paragraph (1)(a), in respect of any death of a member on or after 5th December 2005—

- (a) regulation F8(3) of the 1995 Regulations (Widowers: requirement for post 5th April 1988 service and consequent adjustments to “retirement pension”) has effect as if for “1988” there were substituted “1978”;
- (b) regulation 42 of the 1997 Regulations^(b) (reduction of some surviving spouse’s pensions) has effect as if—
 - (i) in paragraph (3) the words from “where the widower” to the end were omitted;
 - (ii) in paragraph (4)(a) for “1988” there were substituted “1978”;
- (c) regulation 4A(2) of the 1997 Transitional Regulations (deferred members and pensioners: civil partners) has effect as if for “1988” there were substituted “1978” in each place where it occurs.

(5G) Notwithstanding paragraph (1)(a), in respect of any death of a member before 1st April 2014—

- (a) the Benefits Regulations have effect as if regulations 23(5) (death grants: active members), 32(4) (death grants: deferred members) and 35(4) (death grants: pensioner members) were omitted;
- (b) the 1997 Regulations have effect as if regulations 38(6) (death grants) and 155(5) (death grants) were omitted;
- (c) the 1995 Regulations^(c) have effect as if regulation E8(5) (nomination of beneficiary of death grant) were omitted.”;

(b) after paragraph (5G) insert—

(a) See regulation 1(6) of S.I. 2014/525 for the definition of “the Earlier Regulations”.
 (b) See regulation 1(6) of S.I. 2014/525 for the definition of “the 1997 Regulations”.
 (c) See regulation 1(6) of S.I. 2014 for the definition of “the 1995 Regulations”.

“(5H) Notwithstanding paragraph (1)(a)—

(a) the 1997 Regulations^(a) have effect as if—

- (i) in regulation 19A (limit on total amount of benefits)^(b), paragraphs (1) to (3) were omitted;
- (ii) in regulation 49 (commutation: small pensions) for paragraph (1) there were substituted—

“(1) Any authorised payments within the meaning of section 164 (authorised member payments) of the Finance Act 2004^(c) listed in sub-paragraphs (a) to (c) may be paid in accordance with the rules relating to the payment of such benefits under that Act or relevant regulations under that Act—

- (a) a lump sum which is a trivial commutation lump sum within the meaning of section 166^(d) (lump sum rule) of that Act;
- (b) a trivial commutation lump sum death benefit within the meaning of section 168^(e) (lump sum death benefit rule) of that Act;
- (c) a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009^(f).”;

(iii) in regulation 156 (commutation:small pensions)—

(aa) for paragraph (1) there were substituted—

“(1) Any authorised payments within the meaning of section 164 (authorised member payments) of the Finance Act 2004 listed in sub-paragraphs (a) to (c) may be paid to a pension credit member in accordance with the rules relating to the payment of such benefits under that Act or relevant regulations under that Act—

- (a) a lump sum which is a trivial commutation lump sum within the meaning of section 166 (lump sum rule) of that Act;
- (b) a trivial commutation lump sum death benefit within the meaning of section 168 (lump sum death benefit rule) of that Act;
- (c) a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009.”;

(bb) paragraphs (2) and (5) were omitted.

(a) See Regulation 1(6) of S.I. 2014 for the definition of “the 1997 Regulations”.

(b) Regulation 19A was inserted by S.I. 2006/966 and amended by S.I. 2006/2088 and 2007/1488.

(c) 2004 c. 12. Section 164 was amended by paragraph 6 of Schedule 23 to the Finance Act 2006 (c. 25), paragraph 1(2) of Schedule 29 to the Finance Act 2008 (c. 9), section 75(2)(a) of the Finance Act 2009 (c. 10), paragraph 63 of Schedule 16 to the Finance Act 2011 (c. 11), paragraph 85 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), paragraph 3(1)(a) of Schedule 5 to the Finance Act 2016 (c. 24), and paragraph 16 of Schedule 9 to the Finance Act 2024 (c. 3).

(d) Section 166 was amended by paragraphs 2(2), 5(1) and 13 of Schedule 5 to the Finance Act 2014 (c. 26), paragraphs 54 and 55 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), paragraph 17 of Schedule 9 to the Finance Act 2024 (c. 3) and S.I. 2006/572 and 2009/1172.

(e) Section 168 was amended by paragraph 5 of Schedule 19 and part 3(1) of Schedule 27 to the Finance Act 2007 (c. 11), paragraph 65 of Schedule 16 to the Finance Act 2011 (c. 11), paragraphs 5 and 7 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), paragraph 18 of Schedule 9 to the Finance Act 2024 (c. 3).

(f) S.I. 2009/1171; relevant amending instruments are Section 42 (6) of the Finance Act 2014 (c. 26), paragraph 73 of Schedule 5 to the Taxation of Pensions Act 2014 (c. 30) and paragraph 42 of Schedule 9 to the Finance Act 2024 (c. 3) and S.I. 2011/1751.

- (iv) in the definition of “benefit crystallisation event” in Schedule 1(a), for “section 216 of” there were substituted “Schedule 32 to”;
- (b) regulation 22 of the Benefits Regulations (limit on total amount of benefits)(b) has effect as if paragraphs (1) to (3) were omitted;
- (c) regulation 14 of the 2008 Scheme Transitional Regulations (pension sharing)(c) has effect as if for paragraph (3) there were substituted—

“(3) In relation to any entitlement under the 1997 Scheme, any authorised payments within the meaning of section 164 (authorised member payments) of the Finance Act 2004 listed in sub-paragraphs (a) to (c) may be paid in accordance with the rules relating to the payment of such benefits under that Act or relevant regulations under that Act—

- (a) a lump sum which is a trivial commutation lump sum within the meaning of section 166 (lump sum rule) of that Act;
- (b) a trivial commutation lump sum death benefit within the meaning of section 168 (lump sum death benefit rule) of that Act;
- (c) a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009.”.

(5I) Notwithstanding paragraph (1)(a)—

- (a) regulation G7(1) (pensioner’s children’s short-term pension) of the 1995 Regulations has effect as if after “6 months after the death” there were inserted “or, if less, until they cease to be children”;
- (b) regulation 45 (children’s short-term pensions) of the 1997 Regulations has effect as if after paragraph (3) there were inserted—

“(3A) An eligible child ceases to be entitled to a short-term pension when he ceases to be a child within regulation 44(2).”.

(2) New regulation 3(5G) of the 2014 Regulations does not apply in respect of any death grant paid before [coming-into-force date].

McC02

Amendments to regulation 4G

44. In regulation 4G (statutory underpin: underpin date)—

- (a) the existing text becomes paragraph (1);
- (b) in paragraph (1), in the opening words for “An” substitute “Subject to paragraphs (2) and (3), an”;
- (c) after paragraph (1) insert—

“(2) This paragraph applies where—

- (a) under paragraph (1)(b)(ii) an eligible member’s underpin date would be the date on which they attained the age of 65, and
- (b) the eligible member—
 - (i) has already attained the age of 65,

(a) The definition of “benefit crystallisation event” was inserted by S.I. 2006/966.

(b) See regulation 1(6) of S.I. 2014/525 for the definition of “the Benefits Regulations”.

(c) See regulation 1(6) of S.I. 2014/525 for the definition of “the 2008 Scheme Transitional Regulations”.

- (ii) was not an active member of the 2014 Scheme^(a) on that date, and
 - (iii) is an eligible member in relation to that pension account as a result of regulation 4A(2)(b) (statutory underpin: general).
- (3) Where paragraph (2) applies, the eligible member's underpin date is the earliest of—
- (a) the date on which the transfer payment to which regulation 9(1ZA) (transfers) relates was received, and
 - (b) the last day on which the eligible member is an active member of the 2014 Scheme.”.

McC03 Amendment to regulation 4I

45. In regulation 4I (statutory underpin: calculation of provisional assumed benefits), after paragraph (1) insert—

“(1A) Where the eligible member's underpin date is the date specified in regulation 4G(3) (statutory underpin: underpin date), the calculation in paragraph (1) must be carried out in accordance with actuarial guidance issued by the Secretary of State.”.

McC04 Amendment to regulation 4J

46. In regulation 4J (statutory underpin: calculation of the provisional underpin amount), after paragraph (1) insert—

“(1A) Where the eligible member's underpin date is the date specified in regulation 4G(3) (statutory underpin: underpin date), the calculation in paragraph (1) must be carried out in accordance with actuarial guidance issued by the Secretary of State.”.

GPG14 Amendment to regulation 8

47. In regulation 8(4) (pensionable pay) after “regulation 11(4)(b) or (c) of the 2013 Regulations (contributions during absence from work with permission or due to a trade dispute)” insert “other than a period of absence to which regulation 11(5) of the 2013 Regulations (absences of fewer than 31 days) applies”.

EU06 Amendments to regulation 9

48. In regulation 9(3) (transfers)—

- (a) omit “, or from a European pensions institution in respect of a member of the 2014 Scheme,”;
- (b) omit “in either case”.

AVC02 Amendments to regulation 15

49. In regulation 15 (additional contributions), after paragraph (5) insert—

- “(6) This paragraph applies to a member who becomes entitled to benefits under—
- (a) regulation 31 of the 1997 Regulations (other early leavers: deferred retirement benefits and elections for early payment), other than a Councillor member^(b),

(a) See regulation 1(6) of S.I. 2014/525 for the definition of “the 2014 Scheme”.
(b) See Schedule 1 to S.I. 1997/1612 for the definition of “Councillor member”.

- (b) regulation 30 of the Benefits Regulations (choice of early payment of pension), or
- (c) regulation 31 of the Benefits Regulations (early payment of pension: ill-health), other than a person to whom regulation 31(1)(b) (pensioner member with deferred benefits) applies.

(7) A member to whom paragraph (6) applies may, when electing to draw the realisable value in an AVC to which paragraph (8) applies at the same time as drawing those benefits, elect for the realisable value in that AVC to be used to provide additional pension for them under the Earlier Regulations, or partly to provide such pension for them.

(8) This paragraph applies where the employment in respect of which the AVCs were paid is the same employment as the employment, or one of the employments, to which the benefits referred to in paragraph (6) relate.

(9) The amount of additional pension under paragraph (7) is to be determined by the administering authority in accordance with actuarial guidance issued by the Secretary of State^(a).

(10) No interest is payable under regulation 94 of the 1997 Regulations or regulation 51 of the Administration Regulations in relation to the late payment of any additional pension under paragraph (7).”.

SB07

Amendments to regulation 17 and transitional provision

50.—(1) In regulation 17 (survivor benefits)—

- (a) in paragraph (2), for “(9) to (16)” insert “(13A) to (16A)”;
- (b) in paragraph (4), for “(9) to (16)” insert “(13A) to (16A)”;
- (c) in paragraph (5), at the start insert “Subject to paragraph (8A),”;
- (d) in paragraph (7), after “still applied” insert “(subject to the modifications in paragraph (8A))”;
- (e) in paragraph (8), after “1st April 2014” in the second place where it occurs insert “(subject to the modifications in paragraph (8A))”;
- (f) after paragraph (8), insert—

“(8A) For the purposes of determining whether and to whom a death grant is payable under the Earlier Schemes^(b)—

- (a) the Benefits Regulations have effect as if—
 - (i) regulation 23(5) (death grants: active members) were omitted;
 - (ii) regulation 32(4) (death grants: deferred members) were omitted;
 - (iii) in regulation 35 (death grants: pensioner members)—
 - (aa) in paragraph (1) the words “before his 75th birthday” were omitted;
 - (bb) paragraph (4) were omitted;
- (b) the 1997 Regulations have effect as if—
 - (i) in regulation 38 (death grants)—
 - (aa) in paragraph (1) the words “before his 75th birthday” were omitted;
 - (bb) paragraph (6) were omitted;

^(a) Section 3(3)(c) of the Public Service Pensions Act 2013 provides power for these Regulations to allow any person to exercise a discretion.

^(b) See regulation 1(6) of S.I. 2014 for the definition of “the Earlier Schemes”.

- (ii) in regulation 155 (death grants)—
 - (aa) in paragraph (1) the words “before he attains the age of 70” were omitted;
 - (bb) paragraph (5) were omitted.
- (c) the 1995 Regulations^(a) have effect as if regulation E8(5) (nomination of beneficiary of death grant) were omitted.”;
- (g) omit paragraphs (9) to (13);
- (h) before paragraph (14), insert—

“(13A) For the purposes of determining eligibility of a person to survivor benefits under the Earlier Schemes^(b)—

- (a) the definition of “eligible child” contained in Schedule 1 to the 2013 Regulations^(c) (interpretation) is substituted for the definition contained in regulation 26 of the Benefits Regulations (meaning of “eligible child”) and the corresponding provisions in the other Earlier Regulations; and
- (b) the Benefits Regulations have effect as if—
 - (i) in regulation 1(4) (citation, commencement, interpretation and application) for the definition of “nominated cohabiting partner” there were substituted the definition of “cohabiting partner” contained in Schedule 1 to the 2013 Regulations (interpretation);
 - (ii) regulation 25 (meaning of “nominated cohabiting partner”) were omitted;
 - (iii) the word “nominated” were omitted from the following provisions—
 - (aa) regulation 1(4) (citation, commencement, interpretation and application) in the definition of “nominated cohabiting partner”;
 - (bb) regulation 14A(1) and (5) (election to pay additional contributions: survivor benefits);
 - (cc) regulation 24(1) (survivor benefits: active members);
 - (dd) regulation 33(1) (survivor benefits: deferred members);
 - (ee) regulations 36(1) (survivor benefits: pensioners);
 - (iv) in regulation 14A—
 - (aa) in paragraph (1), the words “(within the meaning of regulation 25)” were omitted;
 - (bb) in paragraph (2), the words from “or 12 months” to the end were omitted.

(13B) For the purposes of calculating the amount of survivor benefits payable to a person under the Earlier Schemes—

- (a) any calculation of the survivor pension payable under the Earlier Regulations to—
 - (i) the surviving spouse of an opposite-sex marriage with a member,
 - (ii) the surviving spouse of a same-sex marriage with a member,
 - (iii) the surviving same-sex civil partner of a member, or

^(a) See regulation 1(6) of S.I. 2014 for the definition of “the 1995 Regulations”.

^(b) See regulation 1(6) of S.I. 2014 for the definition of “the Earlier Schemes”.

^(c) See regulation 1(6) of S.I. 2014/525 for the definition of “the 2013 Regulations”.

- (iv) the surviving opposite-sex civil partner of a member,
is, subject to paragraph (13C), to be on the basis that the survivor is a widow,
irrespective of the sex of the member;
 - (b) in respect of a calculation under sub-paragraph (a) where the member left under
a scheme to which the 1995 Regulations, the 1997 Regulations(a), or regulation
6 of the 2008 Scheme Transitional Regulations(b) apply, any reference to
contracted out membership is to be read as including contracted in membership;
 - (c) sub-paragraph (a)(ii) does not apply where the member died before 1st April 2014
and the surviving spouse's survivor benefit fell to be determined under the Benefits
Regulations; and
 - (d) sub-paragraph (a)(iii) does not apply where the member died before 1st April
2014 and the surviving same-sex civil partner's survivor benefit fell to be
determined under the Benefits Regulations.
- (13C) To the extent that it does not already do so, membership which is taken into
account for the purposes of a calculation to which paragraph (13B)(a) applies includes—
- (a) any membership that, if paragraph (13B)(a) had not applied, would otherwise
have counted for the purposes of F8(3) of the 1995 Regulations or by virtue of
regulation 4A(2) of the 1997 Transitional Regulations(c);
 - (b) relevant additional membership that, if paragraph (13B)(a) had not applied, would
otherwise have counted as membership for the purposes of regulations 42 and
42A of the 1997 Regulations (reduction of some surviving spouses' and civil
partners' pensions);
 - (c) membership that, if paragraph (13B)(a) had not applied, would otherwise have
counted under regulations F3, F4 or F5 of the 1995 Regulations by virtue of
regulation F6 of those Regulations; and
 - (d) for the purposes of paragraph (13B)(a)(i) and (iv) only, any membership that, if
paragraph (13B)(a) had not applied, would have counted under sub-paragraphs
(a) to (c) if the member had been in a same-sex marriage or civil partnership at
their date of death, irrespective of the sex or marital status of the member.
- (13D) Any calculation of the survivor pension payable under the Earlier Regulations to
a cohabiting partner is only to take account of membership accrued by a member after 5th
April 1988.
- (13E) For the purposes of paragraph (13D), to the extent that it does not already do so
membership includes—
- (a) relevant additional membership that would have counted as membership for the
purposes of regulations 42 and 42A of the 1997 Regulations (reduction of some
surviving spouses' and civil partners' pensions) if the member had been in a
marriage or civil partnership at their date of death, irrespective of the marital
status of the member; and
 - (b) any membership purchased under regulation 14A(5) of the Benefits Regulations
(elections to pay additional contributions: survivor benefits).
- (13F) Paragraph (13B)(a)(iv) is treated as having no effect before 31st December 2019.”;
- (i) after paragraph (16), insert—

(a) See regulation 1(6) of S.I. 2014/525 for the definition of “the 1997 Regulations”.

(b) See regulation 1(6) of S.I. 2014/525 for the definition of “the 2008 Scheme Transitional Regulations”.

(c) See regulation 1(6) of S.I. 2014/525 for the definition of “the 1997 Transitional Regulations”.

“(16A) Paragraph (13B)(a)(ii) and (iii) do not apply in relation to a person who has made an election under paragraph (15) before the date specified in paragraph (16).”.

(2) New regulation 17(8A)(a)(zi), (i) and (ii)(bb), (b)(i)(bb) and (ii)(bb) and (c) of the 2014 Regulations do not apply in relation to any death grant paid before [coming-into-force date].

F04 Insertion of new regulation 23A

51. After regulation 23 (decisions and adjudications of disagreements) insert—

“Forfeiture

23A. Regulations 91 to 95 (forfeiture) of the 2013 Regulations apply in respect of the forfeiture of benefits accrued under the Earlier Schemes, and the recovery or retention of benefits accrued under the Earlier Schemes where the former member has a misconduct obligation, as they apply under the 2014 Scheme.”.

PART 5

The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016

Amendment of the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016

52. The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016(a) are amended in accordance with regulations 53 and 54.

MISC13EU07 Amendments to regulation 3

53. In regulation 3 (investment)—

- (a) in paragraph (1)(b) after “investment” insert “partnership”;
- (b) in paragraph (2) omit sub-paragraphs (b) and (c).

EU08 Amendments to regulation 6

54. In regulation 6(2)(c) omit “or the central bank of an EEA state other than the United Kingdom”.

PART 6

The Local Government Pension Scheme (Amendment) (No. 3) Regulations 2023

Amendment of the Local Government Pension Scheme (Amendment) (No. 3) Regulations 2023

55. The Local Government Pension Scheme (Amendment) (No. 3) Regulations 2023(b) are amended in accordance with regulations 56 to 59.

(a) S.I. 2016/946, amended by S.I. 2018/1149.
(b) S.I. 2023/972.

McC05 Amendments to regulation 8

56. In regulation 8(1)(b) (survivor benefits in respect of members who died before 1st October 2023) for “1st October 2023” substitute “2nd October 2023”.

McC06 Amendments to regulation 12

57. In regulation 12 (divorce or dissolution of a civil partnership before 1st October 2023)—

- (a) in paragraph (1)—
 - (i) in the opening words after “person” insert “(“the pension debit member”);
 - (ii) in sub-paragraph (b)—
 - (aa) for “whose relevant benefits were” substitute “who had the cash equivalent value of their relevant benefits calculated”;
 - (bb) after “civil partnership,” omit “calculated”;
- (b) in paragraph (2)—
 - (i) at the beginning for “the” substitute “Unless paragraph (2A) applies, the”;
 - (ii) for “person’s” substitute “pension debit member’s”;
- (c) after paragraph (2) insert—

“(2A) This paragraph applies where, before the application of this regulation, the appropriate amount in relation to the pension sharing order was the specified amount under section 29(3)(a) of the Welfare Reform and Pensions Act 1999 .”;
- (d) in paragraph (3) for “person” substitute “pension debit member” in each place that it occurs;
- (e) in paragraph (4) for “person” substitute “pension debit member” in each place that it occurs;
- (f) for paragraph (5) substitute—

“(5) If the recalculated cash equivalent value exceeds the original calculation—

 - (a) the appropriate amount is to be recalculated based on the recalculated cash equivalent value and on the same basis as which applied for the purposes of the original calculation;
 - (b) the pension debit member’s pension accounts are to be adjusted to give effect to the recalculated pension debit in accordance with actuarial guidance issued by the Secretary of State^(a);
 - (c) the annual pension deriving from the pension credit awarded to the pension debit member’s spouse or civil partner (“the pension credit member”) is to be adjusted to give effect to the recalculated pension credit in accordance with actuarial guidance issued by the Secretary of State^(b).

(5A) If the pension debit member’s pension is in payment on 1st October 2023—

 - (a) it is to be recalculated based on the recalculated pension debit;
 - (b) the difference between the recalculated annual pension and the pension in payment is to be subtracted from the retirement pension, from—
 - (i) the date they first took payment of the pension, or

^(a) Section 3(3)(c) of the Public Service Pensions Act 2013 provides power for these Regulations to allow any person to exercise a discretion.

^(b) Section 3(3)(c) of the Public Service Pensions Act 2013 provides power for these Regulations to allow any person to exercise a discretion.

(ii) if later, the effective date of the pension sharing order.

(5B) If the pension debit member is a person to whom one of the regulations listed in paragraph (5C) applies, the calculations made for the purpose of that regulation must take into account the recalculated pension debit in accordance with actuarial guidance issued by the Secretary of State.

(5C) The provisions listed in this paragraph are—

- (a) regulation 5(1) (members who retired or died before 1st October 2023), but only in respect of a person who—
 - (i) died before 1st October 2023, or
 - (ii) took payment of Tier 3 ill-health benefits under regulation 35(7) of the 2013 Regulations but whose Tier 3 benefits subsequently ceased before 1st October 2023 by virtue of—
 - (aa) the person having been entitled to Tier 3 benefits for 3 years,
 - (bb) regulation 37(3) of the 2013 Regulations (starting employment) , or
 - (cc) regulation 37(7)(c) of those regulations (cessation of benefits following review).
- (b) regulation 6(1) (death grants calculated under regulation 43 of the 2013 Regulations in respect of members who died before 1st October 2023);
- (c) regulation 7(1) (pensioner death grants in respect of members who died before 1st October 2023);
- (d) regulation 8(1) (survivor benefits in respect of members who died before 1st October 2023);
- (e) regulation 10(1) (members who took a transfer out of the fund before 1st October 2023);
- (f) regulation 11(1) applies (commutation payments taken before 1st October 2023).”;
- (g) for paragraph (7) substitute—

“(7) In this regulation—

“appropriate amount” and “relevant benefits” have the same meaning as in section 29 of the Welfare Reform and Pensions Act 1999;

“pension credit”, “pension debit” and “pension sharing order” have the meaning given in Schedule 1 to the 2013 Regulations.”.

McC07

Amendments to regulation 14

58. In regulation 14 (interest on payments under the statutory underpin)—

- (a) in paragraph (1), for “12(6)(b)” substitute “12(5A)(b) or (6)(b)”;
- (b) in paragraph (3), at the end insert “, unless the transfer to which that amount relates was a transfer to which paragraph (3A) applies”;
- (c) after paragraph (3) insert—

“(3A) This paragraph applies to a transfer which—

 - (a) is a Club Transfer, and
 - (b) is not a transfer—
 - (i) that was completed before 1st October 2023, and

- (ii) in respect of which the receiving scheme was a scheme other than a Chapter 1 Scheme, a judicial scheme, or another local government scheme.”.

McC08

Insertion of new regulation 15

59. After regulation 14 insert—

“Interest on compensation

15.—(1) This regulation applies in relation to a person to whom compensation is paid under section 82(1) of the Public Service Pensions and Judicial Offices Act 2022 (power to pay compensation).

(2) An administering authority must pay interest in respect of the amount of such compensation.

(3) The interest is to be paid to the person.

(4) Interest under this regulation is payable from the date specified in paragraph (5) until the day on which the amount in respect of the interest is payable and the accrued interest are repaid in full.

(5) The date specified in this paragraph is—

- (a) in the case of compensation in respect of a direct financial loss, the date on which the direct financial loss occurred;
- (b) in the case of compensation in respect of a specified Part 4 tax loss(a), the date on which the overpayment was made.

(6) Interest payable under this regulation is to be calculated in accordance with direction 38 of the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(b).”.

We consent to the making of these Regulations

[Signature 1]

[Signature 2]

Two of the Lords Commissioners of Her Majesty's Treasury

Signed by authority of the Secretary of State for Housing, Communities and Local Government

[Signature]

Minister of State

Ministry of Housing, Communities and Local Government

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- (a) See section 82(7) of the Public Service Pensions and Judicial Offices Act 2022 for the meaning of “Part 4 tax loss”.
- (b) https://assets.publishing.service.gov.uk/media/6399e9efe90e072aeedb35b/The_Public_Service_Pensions_Exercise_of_Powers_Compensation_and_Information_Directions_2022.pdf. Direction 38 was amended by direction 13 of the Public Service Pensions (Exercise of Powers, Compensation and Information) (Amendment) Directions 2024 (https://assets.publishing.service.gov.uk/media/65fad92b9316f5001d64c3f1/The_Public_Service_Pensions_Exercise_of_Powers_Compensation_and_Information_Amendment_Directions_2024.pdf). Hard copies of both directions are available on request to His Majesty's Treasury, 1 Horse Guards Road, London, SW1A 2HQ.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement changes relating to the Local Government Pension Scheme (“the LGPS”). They do so by amending—

- the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356, “the 2013 Regulations”), which establish the current version of the LGPS;
- the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (S.I. 2014/525 “the 2014 Regulations”), which preserve benefits accrued under previous versions of the LGPS and make transitional provision (including transitional protections for certain persons who were members of previous versions of the LGPS (“the statutory underpin”));
- the Local Government Pension Scheme (Management and Investment of Funds) Regulations (S.I. 2016/946 “the 2016 Regulations”), which make provision in relation to the management and investment of LGPS funds held by the administering authorities required to maintain such funds by the 2013 Regulations;
- the Local Government Pension Scheme Regulations (Amendment No.3) Regulations 2023 (S.I. 2023/972 “the 2023 Regulations”), which made changes to the statutory underpin to address unlawful age discrimination of the sort identified in the case of *McCloud v Lord Chancellor* [2018] EWCA Civ 2844 (“the *McCloud* remedy”).

These Regulations also amend the Local Government Pension Scheme (Discretionary Payments) (Injury Allowances) Regulations 2011 (S.I. 2011/2954, “the Injury Allowances Regulations”).

Regulation 2 amends regulation 7 of the Injury Allowances Regulations to disapply the requirement for a qualifying cohabitee to have been nominated in order to be eligible for discretionary death benefits.

Regulations 4, 11(a), 13(b), 37, 38, 39(c), (d) and (h), 48, 53(b) and 54 amend the 2013 Regulations, the 2014 Regulations, and the 2016 Regulations with effect from IP Completion day to remove the references to EU law concepts which are of no ongoing effect.

Regulation 5 amends the 2013 regulations to provide that persons wishing to “opt out” of membership in the LGPS must provide a written notice to their employer in a form approved by the Local Government Pension Scheme Advisory Board.

Regulations 6, 8(a), 13(a), 14, 15, 31, 32, 39(e) and (g) and 47 amend regulations 11, 15, 21, 21A, 67 and 69 of, and Schedule 1 to, the 2013 Regulations and regulation 8 of the 2014 Regulations to provide that unpaid authorised absences of less than 31 days (other than for illness or injury) are automatically pensionable as if the member had been paid.

Regulations 7, 8(c), 9(h) and 39(b) amend the definition of “child-related leave” in the 2013 Regulations so that it includes additional maternity leave, additional adoption leave and shared parental leave during which the member receives no pay. This means that all additional maternity or adoption leave and shared parental leave is fully pensionable, with no contributions payable by the scheme employer for any parts of this that are unpaid. Regulation 39(f) also amends the definition of “paternity leave” to ensure that this will cover bereaved partners paternity leave when this is introduced.

Regulations 8(d) to (f) and 9(a) to (g) amend regulations 15 and 16 of the 2013 Regulations to provide that if a member pays additional pension contributions to cover an eligible period of unpaid leave, the level of contributions payable by the member and the Scheme employer is equivalent to the contributions that would have been paid if the member had not been absent on

unpaid leave for that period. Regulation 17 amends regulation 30 of the 2013 Regulations to provide that, if a member who has paid additional pension contributions to cover an eligible period of unpaid leave is made redundant after reaching the age of 55, those additional pension contributions are not actuarially reduced when they are required to take early payment of their pension. Regulations 19(a), 20(a), 22(a), 23(a), 25(a) and 26(a) also amend regulations 41, 42, 44, 45, 47 and 48 of the 2013 Regulations to provide that any additional pension contributions to cover an eligible period of unpaid leave will be taken into account when calculating survivor benefits.

Regulation 10(a) amends regulation 17 of the 2013 Regulations to provide that deferred members do not need to transfer out their additional voluntary contributions if they transfer their 'main Scheme benefits' under regulation 96. Regulation 10(b) and (c) also amends regulation 17 to remove administrative restrictions on how additional voluntary members can be paid out following the death of the member.

Regulations 11(b) and 12 amend regulations 18 and 19 of the 2013 Regulations to clarify the rules around refunds of contributions. In particular, they provide that administering authorities have a power to refund contributions after the expiry of five years rather than a duty to do so, provide a duty for administering authorities to take reasonable steps to ensure they can pay any refund before the recipient reaches the age of 75, and prohibit refunds from being paid in respect of a person who has reached that age (as this would be an unauthorised payment under paragraph 5(1)(e) of Schedule 29 to the Finance Act 2004).

Regulations 16, 19(b), 20(b) to (j), 22(b), 23(b), 25(b) and 26(b) make minor amendments to regulations 27, 41, 42, 44, 45, 47 and 48 the 2013 Regulations, following amendments made by S.I 2023/273 in relation to the revaluation adjustment, to further improve the clarity of those provisions.

Regulations 18(a) and 24(a) amend regulations 40 and 46 of the 2013 regulations to provide that death grants may be payable in respect of members who die after having attained the age of 75. Regulations 18(b), 21 and 24(b) also amend regulations 40, 43 and 46 to remove administrative restrictions on who the death grant can be paid to after two years.

Regulations 27 and 39(a) make amendments to the 2013 Regulations consequential on the abolition of the lifetime allowance. Regulation 43(1)(b) amends regulation 3 of the 2014 Regulations in order to insert a new paragraph (5H) which applies similar consequential changes to earlier Scheme regulations (which are revoked but preserved by the 2014 Regulations in relation to benefits that have previously been accrued).

Regulation 28 amends regulation 57 of the 2013 Regulations to require administering authorities to include a report on the number of persons who have opted out of LGPS membership as part of their annual report.

Regulation 29 amends regulation 62 of the 2013 Regulations to require the triennial actuarial valuations to include information on gender pension gap within the fund.

Regulation 30 amends regulation 64 the 2013 Regulations to provide that a Scheme employer can enter a deferred debt agreement if it is exiting a fund, rather than just when it is exiting the LGPS.

Regulations 33, 58 and 59 amend the 2013 Regulations and the 2016 Regulations to provide for treatment of interest on payments relating to the McCloud Remedy.

Regulations 34 to 36 make amendments to the 2013 Regulations in respect of forfeiture. Regulation 34(1)(a) to (c) removes the requirement for the former member to have left their employment because of the relevant offence in relation to which the forfeiture provisions apply and regulation 36 makes similar provision in relation to a monetary obligation arising from misconduct. Regulation 34(1)(d) removes the time limit within which any application for a forfeiture certificate must be made (subject to regulation 34(2), which provides that this does not apply in relation to any cases where the existing time limit of three months since the date of conviction had already expired at the point these Regulations come into force). Regulation 35 revokes regulation 92 of the 2013 Regulations, which relates to interim payment directions.

Regulation 40(a) amends the 2013 Regulations to provide that County Combined Authorities are automatically treated as “Scheme employers” for the purposes of Part 1 of Schedule 2 to the LGPS. This amendment has retrospective effect to 24th February 2024, which is the date on which the first County Combined Authority was established in England. Regulation 40(b) makes a consequential change to ensure that all companies under the control of Part 1 Scheme employers may also be Scheme employers under Part 2 of Schedule 2.

Under Part 2 of Schedule 3 to the 2013 Regulations, the Secretary of State has the power to direct that the pension fund for a particular scheme employer should be different from the default pension fund specified for them in the 2013 Regulations. Regulation 41 of these regulations amends the 2013 Regulations to clarify that such direction orders may have retrospective effect.

Regulation 43 amends regulation 3 of the 2014 Regulations. The 2014 Regulations revoked all of the regulations constituting the versions of the LGPS that were in force before 1st April 2014, but preserved them for the purposes of enabling the pension rights accrued under those regulations to be preserved and paid out. The amendments to regulation 3 of the 2014 Regulations made by regulation 43 modify the earlier regulations, and in the case of the amendments made by regulation 43(1)(a) have retrospective effect to before 1st April 2014.

- New regulation 3(5B) of the 2014 Regulations modifies the preserved Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (S.I. 2007/1166) to disapply the requirement that a qualifying cohabitee must have been nominated by a member in order to be entitled to receive survivor benefits in the case of that member’s death. New regulation 3(5C) makes similar modifications in respect of the preserved Local Government Pension Scheme (Administration) Regulations 2008 (S.I. 2008/239).
- New regulations 3(5D), (5E) and (5F) modify provisions for survivor pensions in the earlier LGPS schemes, in respect of members who died on or after 5th December 2005, to provide that the specified survivors receive equivalent survivor benefits to the female survivor of a male married member plus additional benefits that would have been available if the member had been in a same-sex civil partnership.
- New regulation 3(5G) further modifies the earlier local government pension schemes to remove administrative restrictions on who administering authorities can pay a death grant to after the period two years after the member’s death.
- New regulation 3(5I), which does not have retrospective effect, modifies the rules around payment of children’s short-term pensions under the Local Government Pension Scheme Regulations 1995 (S.I. 1995/1019) and the Local Government Pension Scheme Regulations 1997 (S.I. 1997/1612) to provide for these to stop if the recipient ceases to be a child (in order to avoid unauthorised payments under the Finance Act 2004 (c. 12)).

Regulations 44, 45 and 46 amend regulations 4G, 4J and 4I of the 2014 Regulations to provide that an underpin date for persons who are transferred-in remediable service after the age of 65.

Regulation 49 amends the 2014 Regulations to enable deferred members under the 1998 and 2008 Schemes to use an AVC to purchase additional pension.

Regulation 50 amends regulation 17 of the 2014 Regulations to equalise survivor benefits for spouses and civil partners, regardless of the sex or sexual orientation of the member or survivor, and to remove the prohibition on paying a death grant in respect of a member who had reached the age of 75.

Regulation 51 amends the 2014 Regulations to provide that the forfeiture provisions in the 2013 Regulations apply in relation to the forfeiture of benefits accrued under predecessor schemes to the scheme constituted by the 2013 Regulations. Such a transitional provision is enabled by section 3(2)(b) (and, to the extent that it has retrospective effect, section 3(3)(b)) of the Public Service Pensions Act 2013 (c. 25).

Regulation 53(a) amends regulation 3(1)(b) of the 2016 Regulations to clarify the definition of “investment”.

Regulation 56 amends the 2016 Regulations to clarify how the McCloud remedy applies in respect of persons who died on 1st October 2023.

Regulation 57 amends regulation 12 of the 2016 Regulations to ensure that, where an adjustment is made to a pension credit as a consequence of the McCloud remedy, a corresponding adjustment can be made to the relevant pension debit.

[An impact assessment has not been produced for this instrument as no, or no significant, impact is anticipated on the private or voluntary sectors.]