

**2026 No.**

**PUBLIC SERVICE PENSIONS, ENGLAND AND WALES**

**The Local Government Pension Scheme (Fair Deal) Regulations  
2026**

*Made* - - - -

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*Laid before Parliament*

\*\*\*

*Coming into force*

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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1, 3 and 25 of, and Schedule 3 to, the Public Service Pensions Act 2013<sup>(a)</sup>.

In accordance with section 21 of that 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.

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

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(a) 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.

### **Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Fair Deal) Regulations 2026.

(2) These Regulations come into force on [XXX].

(3) These Regulations extend to England and Wales.

(4) In these Regulations “the 2013 Regulations” means the Local Government Pension Scheme Regulations 2013(a).

### **Amendment of the Local Government Pension Scheme Regulations 2013**

2. The 2013 Regulations are amended in accordance with regulations 3 to 8.

### **Insertion of new regulation 3B**

3. After regulation 3A(b) (civil servants engaged in probation provision) of the 2013 Regulations insert—

#### **“Pensions protection following a compulsory transfer**

**3B.** Schedule 2A (Pensions protection following a compulsory transfer) makes provision about membership of the Scheme following a service provision change involving a Fair Deal employer.”.

### **Insertion of new regulation 100A**

4. After regulation 100 (inward transfers of pension rights) of the 2013 Regulations insert—

#### **“Inward bulk transfers**

**100A.** —(1) This regulation applies where one or more persons (‘the transferring members’)—

- (a) have accrued rights under another occupational pension scheme (‘the transferring scheme’) other than rights to benefits under the transferring scheme which are attributable (directly or indirectly) to a pension credit,
- (b) cease to be in pensionable employment under the transferring scheme,
- (c) become active members of the Scheme, and
- (d) agree in writing to a transfer payment being accepted in respect of them and earned pension being credited to them under regulation 101(1) (effect of acceptance of transfer value).

(2) Where this regulation applies, the appropriate administering authority may accept a single transfer value payment in respect of the transferring members from the trustees or managers of the transferring scheme.”.

### **Amendment of regulation 101**

5. In regulation 101(1) of the 2013 Regulations (effect of acceptance of transfer value) after “regulation 100 (inward transfer of pension rights)” insert “or 100A (inward bulk transfers)”.

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(a) 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 and 2025/201; there are other amendments not relevant to these Regulations.

(b) Regulation 3A was inserted by S.I. 2014/1146.

## Amendments to Schedule 1

### 6. In Schedule 1 to the 2013 Regulations (interpretation)—

#### (a) after the definition of “children’s pension” insert—

““client” has the same meaning as in regulation 3 of the TUPE regulations;”;

#### (b) after the definition of “commutation amount” insert—

““contractor” has the same meaning as in regulation 3 of the TUPE regulations;”;

#### (c) before the definition of “final guarantee amount”(a) insert—

““Fair Deal employer” means—

- (a) a Scheme employer listed in paragraphs 1 to 13 and 15 to 29(b) of Part 1 of Schedule 2;
- (b) a Scheme employer listed in Part 2 of Schedule 2;
- (c) a further education corporation or sixth form college corporation within the meaning of section 90 of the Further and Higher Education Act 1992(c);”;

#### (d) after the definition of “permanently incapable” insert—

““protected transferee” means—

- (a) a person to whom paragraph 1(2), 3(2)(a) or 4(4)(a) or (7)(a) of Schedule 2A applies, or
- (b) a person who is treated as such a person by virtue of paragraph 6(3)(a) of Schedule 2A;”;

#### (e) after the definition of “registered pension scheme” insert—

““Relevant Contractor” has the meaning given in paragraph 1(1)(c) of Schedule 2A;”;

#### (f) after the definition of “Scheme year” insert—

““service provision change” has the same meaning as in regulation 3 of the TUPE regulations;”;

#### (g) after the definition of “statutory pay”(d) insert—

““subsequent contractor” the same meaning as in regulation 3 of the TUPE regulations;”;

#### (h) after the definition of “transfer value payment” insert—

““TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006(e) .”.

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(a) The definition of “final guarantee amount” was inserted by S.I. 2023/972.

(b) Paragraphs 25 to 28 of Part 1 of Schedule 2 were inserted by article 7(2) of the Local Government and Elections (Wales) Act 2021 (Corporate Joint Committees) (Consequential Amendments) Order 2023 (S.I. 2023/402). Paragraph 29 of Part 1 of Schedule 2 was inserted by regulation 40 of the Local Government Pension Scheme (Miscellaneous Amendments) Regulations 2025 (S.I. 2025/XXXX).

(c) 1992 c. 13. Section 90 was amended by paragraph 41(2)(a) of Schedule 12 to the Education Act 2011 (c. 21); there are other amendments but none is relevant.

(d) The definition of “statutory pay” was amended by S.I. 2014/3255, 2018/493, 2020/3545 and 2025/201.

(e) S.I. 2006/246, amended by S.I. 2014/16; there are other amendments but not is relevant.

## Amendments to Schedule 2

7. In Schedule 2 to the 2013 Regulations (Scheme employers)(a), in Part 4, in the table at the end insert—

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“A protected transferee in respect of whom paragraph 2(2)(a) of Schedule 2A applies	The Fair Deal employer referred to in column 1”.
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## Insertion of new Schedule 2A

8. After Schedule 2 to the 2013 Regulations (Scheme employers) insert—

### “SCHEDULE 2A

Regulation 3B

### Pensions protection following a compulsory transfer

#### PART 1

#### Circumstances in which pensions protection applies

##### Protected transferees

1.—(1) This sub-paragraph applies where—

- (a) there is a service provision change to which regulation 3(1)(b)(i) of the TUPE regulations (relevant transfers: service provision change) applies,
- (b) the client in respect of that service provision change is a Fair Deal employer, and
- (c) the contract of employment of an employee (E) of the Fair Deal employer is compulsorily transferred to a contractor (“the Relevant Contractor”) under regulation 4 of the TUPE regulations.

(2) Where sub-paragraph (1) applies, E becomes a protected transferee if the condition in sub-paragraph (3) is met.

(3) The condition is that, immediately before the transfer in sub-paragraph (1)(c), E was either—

- (a) an active member of the Scheme, or
- (b) eligible to be an active member of the Scheme.

(4) A protected transferee is eligible to be an active member of the Scheme for so long as they are—

- (a) employed by the Relevant Contractor,
- (b) working wholly or mainly on the activities which are being carried out by the Relevant Contractor on the Fair Deal employer’s behalf, and
- (c) not a person to whom regulation 4(1) (restriction on eligibility for active membership)(b) applies.

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(a) Schedule 2 was amended by S.I. 2014/44 and 2014/525.

(b) Regulation 4(1) was amended by S.I. 2014/1146.

(5) Sub-paragraph (4)(b) is to be determined in accordance with guidance issued by the Secretary of State(a).

### **Scheme employer of a protected transferee**

**2.—**(1) This paragraph applies in respect of a protected transferee where the Relevant Contractor is not—

- (a) a Scheme employer under Part 1 of Schedule 2, or
- (b) a Scheme employer under Part 2 of Schedule 2 who has designated the protected transferee as being eligible for membership of the Scheme.

(2) Where this paragraph applies—

- (a) the Fair Deal employer is deemed to be the Scheme employer of the protected transferee for the purposes of the Scheme;
- (b) these Regulations have effect in relation to the protected transferee, and in relation to the roles of the Relevant Contractor, Fair Deal employer and administering authority in respect of the protected transferee, subject to the modifications in Part 2 of this Schedule;
- (c) the Relevant Contractor must, upon request, provide the Fair Deal employer with information to enable the Fair Deal employer to fulfil its obligations as Scheme employer in respect of the protected transferee in accordance with guidance issued by the Secretary of State(b).

### **Subsequent transfers**

**3.—**(1) This sub-paragraph applies where—

- (a) there is a service provision change to which regulation 3(1)(b)(ii) of the TUPE regulations (relevant transfers: service provision change) applies,
- (b) the client in respect of that service provision change is a Fair Deal employer, and
- (c) the contract of employment of a protected transferee (PT) is compulsorily transferred to a subsequent contractor under regulation 4 of the TUPE regulations.

(2) Where sub-paragraph (1) applies, from the date of the transfer in paragraph (c)—

- (a) PT continues to be a protected transferee, and
- (b) paragraphs 1(4), 2 and Part 2 of this Schedule have effect as if a reference to the “Relevant Contractor” were a reference to the subsequent contractor.

### **Transitional provisions for persons entitled to pension protection**

**4.—**(1) This sub-paragraph applies to a person who—

- (a) is not a protected transferee,
- (b) is a former employee of a best value authority in England under section 1 of the Local Government Act 1999(c),

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- (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.
  - (c) 1999 c. 27. Section 1 was amended by paragraph 91 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21), paragraph 2 of Schedule 8 and Part 8 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28), paragraph 62(2) of Schedule 4 to the Local Transport Act 2008 (c. 26), paragraph 91 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 10 of Schedule 1 and Schedule 4 to the Local Government (Wales) Measure 2009 (nawm 2), paragraph 242 of Schedule 16 to the Police Reform and

- (c) either—
    - (i) was entitled to pension protection under the Best Value Authorities Staff Transfers (Pensions) Direction 2007(a), or
    - (ii) is entitled to pension protection under the Best Value Authorities Staff Transfers (Pensions) Direction [2026](b), and
  - (d) would be entitled to pension protection following a subsequent transfer under the Best Value Authorities Staff Transfers (Pensions) Direction [2026].
- (2) This sub-paragraph applies to a person who—
- (a) is not a protected transferee,
  - (b) is a former employee of—
    - (i) an authority specified in section 101(7A)(aa), (ab), (ac) or (ad) of the Local Government Act 2003(c), or
    - (ii) a community council,
  - (c) either—
    - (i) was entitled to pension protection under the Welsh Authorities Staff Transfers (Pensions) Directions 2012(d),
    - (ii) was entitled to pension protection under the Welsh Authorities Staff Transfers (Pensions) Directions 2022(e), or
    - (iii) is entitled to pension protection under the Welsh Authorities Staff Transfers (Pensions) Directions [2026](f), and
  - (d) would be entitled to pension protection following a subsequent transfer under the Welsh Authorities Staff Transfers (Pensions) Directions 2026.
- (3) Subject to sub-paragraph (5), this sub-paragraph applies where—
- (a) there is a service provision change to which regulation 3(1)(b)(ii) of the TUPE regulations (relevant transfers: service provision change) applies,
  - (b) the client in respect of that service provision change is a Fair Deal employer, and
  - (c) the contract of employment of a person to whom sub-paragraph (1) or sub-paragraph (2) applies (P1) is compulsorily transferred to a subsequent contractor under regulation 4 of the TUPE regulations.

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Social Responsibility Act 2011 (c. 13), Part 32 of Schedule 25 to the Localism Act 2011 (c. 20) paragraph 6(30) of Schedule 13 to the Deregulation Act 2015 (c. 20), paragraph 15 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1), paragraph 107 of Schedule 2 to the Policing and Crime Act 2017, and paragraph 121 of Schedule 4 to the Levelling Up and Regeneration Act 2023 (c. 55).

- (a) <https://webarchive.nationalarchives.gov.uk/ukgwa/20120919132719/www.communities.gov.uk/documents/localgovernment/pdf/pensions-direction-2007.pdf>. Hard copies are available on request from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.
- (b) [For purposes of consultation: this is a direction which the Secretary of State proposes to make alongside these Regulations.]
- (c) 2003 c. 26. Section 101(7A) was inserted by paragraph 3(9)(c) of Schedule 9 to the Local Government and Public Involvement in Health Act 2007 (c. 28) and amended by S.I. 2021/296. Sub-paragraphs (aa) to (ad) refer to a county council or county borough council in Wales, a National Park authority for a National Park in Wales, a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies, and a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (2021 asc 1) respectively.
- (d) <https://www.gov.wales/sites/default/files/publications/2019-06/staff-transfers-pensions-direction-2012.pdf>. Hard copies are available on request from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF. These directions were revoked by direction 11 of the Welsh Authorities Staff Transfers (Pensions) Directions 2022.
- (e) <https://www.gov.wales/sites/default/files/publications/2022-09/welsh-authorities-staff-transfers-directions-2022.pdf>. Hard copies are available on request from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF. [These directions were revoked by direction [X] of the Welsh Authorities Staff Transfers (Pensions) Directions [2026].]
- (f) [For purposes of consultation: this is a direction which the Welsh Ministers propose to make alongside these Regulations.]

- (4) Where sub-paragraph (3) applies, from the date of the transfer in paragraph (c)—
  - (a) P1 becomes a protected transferee, and
  - (b) paragraphs 1(4) and 2 and Part 2 of this Schedule have effect as if a reference to the “Relevant Contractor” were a reference to the subsequent contractor.
- (5) Where the Fair Deal employer would be unable to comply with its obligation to treat suppliers the same (unless a difference between the suppliers justifies different treatment) under section 12(2) of the Procurement Act 2023<sup>(a)</sup> in respect of a proposed service provision change if P1 were to become a protected transferee, sub-paragraph (3) does not apply.
- (6) Subject to sub-paragraph (8), this paragraph applies where—
  - (a) before [coming-into-force date] there was a service provision change to which regulation 3(1)(b)(i) or (ii) of the TUPE regulations applied,
  - (b) the client in respect of that service provision change was a Fair Deal employer,
  - (c) the contract of employment of a person to whom sub-paragraph (1) or sub-paragraph (2) applies (P2) was compulsorily transferred to a contractor or subsequent contractor (C) under regulation 4 of the TUPE regulations,
  - (d) the Fair Deal employer renews, extends or re-procures the contract under which C carries out the activities to which the service provision change related on the Fair Deal employer’s behalf, and
  - (e) following that renewal, extension or re-procurement P2 remains an employee of C working wholly or mainly on the activities being carried out by C on the Fair Deal employer’s behalf.
- (7) Where sub-paragraph (6) applies, from the date of the renewal, extension or re-procurement in paragraph (d)—
  - (a) P2 becomes a protected transferee, and
  - (b) paragraphs 1(4) and 2 and Part 2 of this Schedule have effect as if a reference to the “Relevant Contractor” were a reference to C.
- (8) Where the Fair Deal employer would be unable to comply with its obligation to treat suppliers the same (unless a difference between the suppliers justifies different treatment) under section 12(2) of the Procurement Act 2023 in respect of the renewal, extension or re-procurement of its contract with C if P2 were to become a protected transferee, sub-paragraph (6) does not apply.

**Interaction between pension protection under this Schedule and directions under section 101 of the Local Government Act 2003**

- 5.—(1) This paragraph applies where—
  - (a) a person (P1) would become a protected transferee under paragraph 1(2) of this Schedule, and
  - (b) P1 would be entitled to pension protection under direction [2(2)] of the Best Value Authorities Staff Transfers (Pensions) Direction [2026].
- (2) Where sub-paragraph (1) applies—
  - (a) P1 continues to be entitled to pension protection under direction [2(2)] of the Best Value Authorities Staff Transfers (Pensions) Direction [2026],

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<sup>(a)</sup> 2023 c. 54.

- (b) the rights to acquire pension benefits under the Scheme count as being broadly comparable to the rights that P1 had as an employee of the Fair Deal employer for the purposes of direction [2(3)(b)], and
  - (c) the requirement for the contractor to secure pension protection for P1 under direction [2(2)] is satisfied if the contract between the Fair Deal employer and the contractor provides that P1 may be a member of the Scheme in accordance with this Schedule.
- (3) This paragraph applies where—
  - (a) a person (P2) would become or continue to be a protected transferee under paragraph 3(2)(a) or 4(4)(a) of this Schedule, and
  - (b) P2 would be entitled to pension protection under direction [3(2)] of the Best Value Authorities Staff Transfers (Pensions) Direction [2026].
- (4) Where sub-paragraph (3) applies—
  - (a) P2 continues to be entitled to pension protection under direction [3(2)] of the Best Value Authorities Staff Transfers (Pensions) Direction [2026],
  - (b) the rights to acquire pension benefits under the Scheme count as being broadly comparable to the rights that P2 had before the change of employer for the purposes of direction [3(3)(b)], and
  - (c) the requirement for the subsequent contractor to secure pension protection for P2 under direction [3(2)] is satisfied if the contract between the Fair Deal employer and the subsequent contractor provides that P2 may be a member of the Scheme in accordance with this Schedule.
- (5) This paragraph applies where—
  - (a) a person (P3) would become a protected transferee under paragraph 1(2) of this Schedule, and
  - (b) P3 would be entitled to pension protection under direction [X] of the Welsh Authorities Staff Transfers (Pensions) Directions [2026].
- (6) Where sub-paragraph (5) applies—
  - (a) P3 continues to be entitled to pension protection under direction [X] of the Welsh Authorities Staff Transfers (Pensions) Directions [2026],
  - (b) the rights to acquire pension benefits under the Scheme count as being broadly comparable to the rights that P3 had as an employee of the Fair Deal employer for the purposes of direction [X], and
  - (c) the requirement for the contractor to secure pension protection for P3 under direction [X] is satisfied if the contract between the Fair Deal employer and the contractor provides that P3 may be a member of the Scheme in accordance with this Schedule.
- (7) This paragraph applies where—
  - (a) a person (P4) would become or continue to be a protected transferee under paragraph 3(2)(a) or 4(4)(a) of this Schedule, and
  - (b) P4 would be entitled to pension protection under direction [X] of the Welsh Authorities Staff Transfers (Pensions) Directions [2026].
- (8) Where sub-paragraph (7) applies—
  - (a) P4 continues to be entitled to pension protection under direction [X] of the Welsh Authorities Staff Transfers (Pensions) Directions [2026],



- (b) the rights to acquire pension benefits under the Scheme count as being broadly comparable to the rights that P2 had before the change of employer for the purposes of direction [X], and
- (c) the requirement for the subsequent contractor to secure pension protection for P4 under direction [X] is satisfied if the contract between the Fair Deal employer and the subsequent contractor provides that P4 may be a member of the Scheme in accordance with this Schedule.

#### **Persons who may be treated as protected transferees**

6.—(1) This sub-paragraph applies where—

- (a) there is a service provision change to which regulation 3(1)(b)(i) or (ii) of the TUPE regulations (relevant transfers: service provision change) applies,
- (b) the client in respect of that service provision change is a Fair Deal employer, and
- (c) the contract of employment of a person who is or will become a protected transferee under paragraphs 1(2), 3(2)(a) or 4(4)(a) or (7)(a) of this Schedule is compulsorily transferred to a contractor or subsequent contractor (C) under regulation 4 of the TUPE regulations.

(2) This sub-paragraph applies where—

- (a) there was a service provision change to which regulation 3(1)(b)(i) or (ii) of the TUPE regulations applied;
- (b) the client in respect of that service provision change was a Fair Deal employer,
- (c) the contract of employment of a person who became a protected transferee under paragraphs 1(2), 3(2)(a) or 4(4)(a) of this Schedule, or who would become a protected transferee under paragraph 4(7)(a) of this Schedule following a renewal, extension or re-procurement of the contract, was compulsorily transferred to a contractor or subsequent contractor (C) under regulation 4 of the TUPE regulations, and
- (d) the Fair Deal employer renews, extends or re-procures the contract under which C carries out the activities to which the service provision change related on the Fair Deal employer's behalf.

(3) Where sub-paragraph (1) applies, the Fair Deal employer and C may agree in writing before the date on which the service provision change takes place that sub-paragraph (5) applies from that date.

(4) Where sub-paragraph (2) applies, the Fair Deal employer and C may agree in writing before the date on which the renewal, extension or re-procurement of the contract takes place that sub-paragraph (5) applies from that date.

(5) Where this sub-paragraph applies—

- (a) any person (T) who satisfies the condition in sub-paragraph (6) is to be treated as a protected transferee for the purposes of paragraphs 1(4), 2, 3 and Part 2 of this Schedule, and
- (b) C is to be treated as the Relevant Contractor for the purposes of paragraphs 1(4) and 2 and Part 2 of this Schedule.

(6) The condition in this sub-paragraph is that T is—

- (a) employed by C, and

- (b) working wholly or mainly on the activities which are being carried out by the Relevant Contractor on the Fair Deal employer's behalf in accordance with guidance issued by the Secretary of State<sup>(a)</sup>.

### **Ceasing to be a Relevant Contractor**

7.—(1) This sub-paragraph applies where—

- (a) there is a service provision change to which regulation 3(1)(b)(ii) or (iii) of the TUPE regulations (relevant transfers: service provision change) applies,
- (b) the client in respect of that service provision change is a Fair Deal employer, and
- (c) as a result of that service provision change a contractor or subsequent contractor (C) ceases to carry out activities on behalf of the Fair Deal employer.

(2) Where sub-paragraph (1) applies—

- (a) C ceases to be treated as the Relevant Contractor from the date of the service provision change;
- (b) C continues to be under an obligation to pay the appropriate administering authority and the relevant Fair Deal employer any amounts which it was required to pay under these Regulations as modified by Part 2 of this Schedule during the period in which C was treated as the Relevant Contractor but which have not been paid.
- (c) for the period of 1 year after the date of the service provision change, paragraph 2(2)(c) of this Schedule continues to apply in relation to information held by C during the period in which it was treated as the Relevant Contractor;
- (d) within three months of the end of the calendar month in which the service provision change takes place, C must, to the extent that it has not already done so, provide the appropriate administering authority with a statement in respect of each calendar month up to and including the calendar month in which the service provision change takes place giving the details specified by regulation 80(3) (exchange of information) as modified by paragraph 44 of Part 2 of this Schedule.

## **PART 2**

Modifications in respect of persons to whom pensions protection applies

### **Modifications of these Regulations in respect of the role of the Relevant Contractor**

8. Where this Part applies, these Regulations have effect with the modifications set out in paragraphs 9 to 50.

9. Regulation 3 (active membership) has effect as if for paragraph (6) there were substituted—

“(6) A person who is a protected transferee who is eligible to be an active member in an employment, but who is not an active member in that employment—

- (a) may apply in writing to the Relevant Contractor to join the Scheme, and becomes an active member in that employment on the first day of the payment period following the application; but in any event,

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(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) becomes an active member in an employment on the automatic enrolment date or automatic re-enrolment date relating to that employment.”.

**10.** Regulation 4 (restriction on eligibility for active membership) has effect as if for paragraph (3) there were substituted—

“(3) Paragraph (1)(a) does not apply to a member who is a protected transferee on reserve forces service leave who is entitled to be a member of the Armed Forces Pension Scheme if the member makes an election to the Relevant Contractor to remain a member of the Scheme.”.

**11.** Regulation 5 (ending active membership) has effect as if for paragraph (2) there were substituted—

“(2) A person who is a protected transferee ceases to be an active member in an employment from the date specified in a written notice given by that person to the Relevant Contractor that the person wishes to leave the Scheme.”.

**12.** Regulation 9 (contributions) has effect as if for paragraph (3) there were substituted—

“(3) Subject to paragraph (3A), where there is a change in employment, or a material change which affects the member’s pensionable pay in the course of a financial year, the Scheme employer may determine that a contribution rate from a different band should be applied and the Scheme employer shall inform the member of the contribution rate applicable and the date from which it is to be applied.

(3A) Where Schedule 2A applies, the Scheme employer may agree in writing with the Relevant Contractor that the Relevant Contractor is to exercise the Scheme employer’s function under paragraph (3) in respect of any member who is a protected transferee.”.

**13.** Regulation 10 (temporary reduction in contributions) has effect as if—

- (a) for paragraph (1) there were substituted—

“(1) A person who is a protected transferee may elect to pay reduced contributions in an employment for a period by giving written notice to the Relevant Contractor that the member wishes to do so.”;

- (b) for paragraph (3) there were substituted—

“(3) An active member who is a protected transferee may cancel the election under paragraph (1) at any time by giving written notice to the Relevant Contractor to this effect.”;

- (c) for paragraph (7), there were substituted—

“(7) If any member who is a protected transferee elects to pay reduced contributions under paragraph (1), the Relevant Contractor shall give the member information about the effect on that member’s likely benefits consequent to that election.”.

**14.** Regulation 11 (contributions from work during absences)(a) has effect as if—

- (a) for paragraph (4) there were substituted—

“(4) A person who is a protected transferee remains an active member during any absence from work—

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(a) Regulation 11 was amended by S.I. 2018/493 and 2025/XXXX.

- (a) of the description mentioned in paragraphs (1) to (3);
  - (b) due to a trade dispute, or
  - (c) with permission from the Relevant Contractor.”;
- (b) for paragraph (5) there were substituted—

“(5) An active member who is a protected transferee who is absent from work with permission from the Relevant Contractor (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.”.

**15. Regulation 15 (employer contributions during absences)(a)** has effect as if there were substituted—

**“Employer contributions during absences**

**15.—(1)** A Relevant Contractor and Scheme employer must pay contributions on the assumed pensionable pay of an active member who is a protected transferee on child-related leave.

**(2)** [GPG: APP] A Relevant Contractor and Scheme employer must pay contributions in accordance with regulation 67 where an active member who is a protected transferee is absent from employment—

- (a) by reason of illness or injury;
- (b) on unpaid leave to which regulation 11(5) applies.

**(3)** When an active member who is a protected transferee goes on reserve forces service leave—

- (a) the Relevant Contractor must give the following information in writing to the member—
  - (i) the assumed pensionable pay on which the member is liable to pay contributions in accordance with regulation 9 (contributions) or 10 (temporary reduction in contributions),
  - (ii) details of the amount of any additional pension contributions to be paid by the member under regulation 16 (additional pension contributions) or regulation 17 (additional voluntary contributions) during reserve forces service leave,
  - (iii) the rate of the employer's contribution, being the primary rate of the Scheme employer's contribution as adjusted by the secondary rate of that employer's contribution, as specified for the time being in the Scheme employer's current rates and adjustment certificate, and
  - (iv) details of the member's appropriate administering authority;
- (b) employer contributions at the appropriate rate specified in regulation 67(3) and (4) (as the case may be) are payable by the Relevant Contractor to the member's appropriate administering authority on the member's assumed pensionable pay;

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(a) Regulation 15 was amended by S.I. 2014/3255, 2015/755, 2020/354, 2025/201 and 2025/XXXX.

- (c) employer contributions at the appropriate rate specified in regulation 67(5) are payable by the Scheme employer to the member's appropriate administering authority on the member's assumed pensionable pay (and regulation 67(6) applies if the appropriate percentage is a negative value).

(3A) [GPG: LPP] A Relevant Contractor and Scheme employer must pay contributions on the lost pensionable pay of an active member who is a protected transferee on unpaid leave to which regulation 11(5) applies.

(4) Where an active member who is a protected transferee—

- (a) on reserve forces service leave;
- (b) on child-related leave, which for this regulation includes any period of neonatal care leave or parental bereavement leave during which the member receives no pay;
- (c) absent from work due to illness or injury where regulation 14(1) (contributions during absence for illness etc) applies; or
- (d) absent from work with permission from the Relevant Contractor,

has an arrangement under regulation 16 (additional pension contributions) the employer contributions under regulation 16(2)(e) or (4)(d) (shared cost additional pension contributions) remain payable if that regulation applies.

(4A) This paragraph applies if an active member who is a protected transferee and 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 Relevant Contractor 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).

(5) Not used.

(6) Not used.

(7) In paragraphs (4)(d) and (4A) the expression “absent from work with permission” does not include an absence due to a trade dispute.”.

**16. Regulation 16 (additional pension contributions)(a) has effect as if—**

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

“(1) Subject to paragraph (15), an active member who is a protected transferee and who is paying contributions under regulation 9 (contributions) may enter into arrangements to pay additional pension contributions (“APCs”) by regular contributions in accordance with paragraph (2), and a member who is a protected transferee and who is paying contributions under regulation 10 (temporary reduction in contributions) may do so if the arrangement is to cover a period of absence of the description in regulation 11(4)(b) or (c) (contributions during absence from work), unless the appropriate administering authority determines in any particular case that it would not be practical to allow APCs to be paid by regular contributions.”;

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(a) Regulation 16 was amended by S.I. 2015/755, 2025/201 and 2025/XXXX; there are other amendments but none is relevant.

(b) for paragraph (2)(e) there were substituted—

“(e) may be funded in whole or in part by the Relevant Contractor.”;

(c) for paragraph (3) there were substituted—

“(3) Subject to paragraph (15), an active member who is a protected transferee and who is paying contributions under regulation 9 (contributions) may enter into arrangements to pay APCs by lump sum contribution in accordance with paragraph (4), and a member who is a protected transferee and who is paying contributions under regulation 10 (temporary reduction in contributions) may do so if the arrangement is to cover a period of absence of the description in regulation 11(4)(b) or (c) (contributions during absence from work).”;

(d) for paragraph (4)(d) there were substituted—

“(d) may be funded in whole or in part by the Relevant Contractor.”;

(e) after paragraph (4) there were inserted—

“(4A) A Relevant Contractor who makes a decision to fund arrangements under paragraph (2)(e) or (4)(d) must notify the member’s Scheme employer of its decision.”;

(f) for paragraph (8A) there were substituted—

“(8A) Where an arrangement is one to which regulation 15(4A) (employer contributions during absences) applies, and an application is made by the member who is a protected transferee 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 Relevant Contractor 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.”;

(g) for paragraph (9)(a) there were substituted—

“(a) be made in writing to the member's appropriate administering authority, and a copy sent to the Relevant Contractor; and”;

(h) for paragraph (16) there were substituted—

“(16) Where an arrangement is one to which regulation 15(4A) (employer contributions during absences) applies, application by an active member who is a protected transferee to make the arrangements under this regulation must be made before the expiry of a period of one year beginning with the day on which the person returns to work or such longer period as the Relevant Contractor may allow.”.

**17. Regulation 17 (additional voluntary contributions) has effect as if—**

(a) for paragraph (3) there were substituted—

“(3) Where an active member who is a protected transferee wishes to make contributions to an arrangement under paragraph (1), the active member or the AVC

provider authorised by the member to act on the member's behalf must specify in a written notice given to each of the appropriate administering authority, the member's Scheme employer, and the Relevant Contractor—

- (a) he percentage of pensionable pay or the amount that the member wishes to contribute from pensionable pay in respect of an employment in each pay period (but see paragraph (4); and
- (b) whether any of the contributions are to be used to provide life assurance benefits payable upon death in service as an active member and, if so, the proportion or amount to be so used.”;

(b) for paragraph (4) there were substituted—

“(4) Where a member who is a protected transferee is paying AVCs for life assurance and pensionable pay in a pay period, net of any deductions made by the Relevant Contractor, is less than the AVC due, the member may pay the contribution due by way of a payment direct to the AVC provider or to the Relevant Contractor for onward transmission to that body in order to ensure that the life assurance cover continues.”;

(c) for paragraph (5) there were substituted—

“(5) A member who is a protected transferee may vary the amount specified in, or cease contributing to, an arrangement by service of a further written notice given to the member's Scheme employer, the Relevant Contractor and appropriate administering authority by the member or by the AVC provider authorised by the member to act on the member's behalf.”.

**18. Regulation 18 (rights to return of contributions) has effect as if—**

(a) for paragraph (1)(c) there were substituted—

“(c) the realisable value of any AVC or SCAVCs paid by the person, or SCAVCs paid by the Relevant Contractor under a salary sacrifice scheme, under regulation 17 in relation to that active membership (other than such contributions paid for life assurance cover or additional survivor benefits); and”;

(b) for paragraph (2), there were substituted—

“(2) Where a person is entitled to repayment under paragraph (1)(c), the realisable value of any SCAVC contributions paid by the Relevant Contractor are repayable to Relevant Contractor (other than contributions specifically paid for additional life assurance cover, in respect of additional survivor benefits or paid by the employer under a salary sacrifice scheme).”.

**19. Regulation 19 (exclusion of rights to return of contributions)(a) has effect as if for paragraph (2) there were substituted—**

“(2) Where paragraph (1)(b) applies the Scheme employer or Relevant Contractor may direct payment out of the appropriate fund of a sum equal to all or part of the member's contributions to the member, the member's spouse, civil partner, cohabiting partner or any of the member's dependents.”.

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(a) Regulation 19(2) was amended by S.I. 2015/755

**20.** Regulation 20 (meaning of pensionable pay) has effect as if for paragraph (2)(i) there were substituted—

“(i) any payment made by the Relevant Contractor to a member who is a protected transferee on reserve forces service leave;”.

**21.** Regulation 21 (assumed pensionable pay)(a) has effect as if—

(a) for paragraph (4A) there were substituted—

“(4A) If the pensionable pay the member who is a protected transferee received in the periods specified in paragraph (4)(a)(i) or (4)(b)(i) was reduced as a result of absence due to a trade dispute or absence with permission from the Relevant Contractor, such reduction is to be ignored for the purposes of calculating the member’s assumed pensionable pay.”;

(b) for paragraph (5A) there were substituted—

“(5A) Where the pensionable pay received by a member who is a protected transferee during any period specified in paragraph (4)(a)(i) or (4)(b)(i) was, in the opinion of the Relevant Contractor, materially lower than the level of pensionable pay that member normally received, for the purposes of this regulation the Relevant Contractor may substitute for the pensionable pay the member received, a higher level of pensionable pay to reflect the level of pensionable pay that the member would normally have received.”;

(c) for paragraph (5B) there were substituted—

“(5B) In determining what the level of pensionable pay a member who is a protected transferee normally receives for the purposes of paragraph (5A) the Relevant Contractor must have regard to the level of pensionable pay received by the member in the previous 12 months.”.

**22.** Regulation 22 (pension accounts)(b) has effect as if—

(a) for paragraph (7) there were substituted—

“(7) Where an active member who is a protected transferee with concurrent employments ceases an employment with entitlement to a deferred pension, the benefits in the deferred member's pension account must be aggregated with those in the ongoing active member's pension account and, if there is more than one such account, the one chosen by the member, unless—

(a) within 12 months of the date the concurrent employment ceased, or

(b) such longer time as the Relevant Contractor in relation to the relevant ongoing active member's pension account permits,

the member makes an election to the appropriate administering authority to retain the deferred member's pension account.”;

(b) for paragraph (8) there were substituted—

“(8) Where a deferred member who is a protected transferee again becomes an active member (other than where a member becomes entitled to deferred benefits as a consequence of a notice served under regulation 5(2) (ending active

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(a) Regulation 21 was amended by S.I. 2015/755 and 2018/493.

(b) Regulation 22 was amended by S.I. 2015/755



membership)), the benefits in the deferred member's pension account must be aggregated with those in the active member's pension account unless—

- (a) within 12 months of the active member's pension account being opened;  
or
- (b) such longer time as the Relevant Contractor in relation to that active member's pension account permits,

the member makes an election to the appropriate administering authority to retain the deferred member's pension account.”.

**23. Regulation 30 (retirement benefits) has effect as if—**

- (a) for paragraph (6) there were substituted—

“(6) An active member who is a protected transferee who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the Relevant Contractor's consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government service on the date of the reduction in hours or grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.”;

- (b) for paragraph (8) there were substituted—

“(8) A body listed in paragraph (8A) may agree to waive in whole or in part any reduction that would, apart from this paragraph, be required by paragraphs (5) or (6) in respect of a member who is a protected transferee.

(8A) The bodies listed in this paragraph are—

- (a) a Relevant Contractor;
- (b) a former employer which is a Relevant Contractor;
- (c) where a member's employer or former employer has ceased to be a Relevant Contractor, the relevant Fair Deal employer;
- (d) where the relevant Fair Deal employer has ceased to be a Scheme employer, the appropriate administering authority.”;

- (c) for paragraph (9) there were substituted—

“(9) In paragraphs (1) to (8) of this regulation the expression “member” means a member with qualifying service for a period of two years and does not include a pension credit member.”.

**24. Regulation 31 (award of additional pension) has effect as if—**

- (a) for paragraph (1) there were substituted—

“(1) A Relevant Contractor may resolve to award—

- (a) an active member who is a protected transferee, or
- (b) a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency, and who was a protected transferee immediately before leaving active service,

additional annual pension of, in total (including any additional pension purchased by the Relevant Contractor under regulation 16), not more than the additional pension limit payable from the same date as any pension payable under other provisions of

these Regulations from the pension account to which the additional pension is attached, provided that, in the case of a member falling within sub-paragraph (b), the resolution to award additional pension is made within 6 months of the date the member's employment ended.”;

(b) paragraph (4) were omitted.

**25.** Regulation 32 (commencement of pensions) has effect as if for paragraph (4) there were substituted—

“(4) When, in a written notice to the appropriate administering authority, a member who is a protected transferee elects under regulation 30(6) (flexible retirement) to receive immediate payment of all or part of that member's benefits, if the Relevant Contractor consents to the payment, the first period for which retirement pension is payable begins on the date of the reduction in hours or grade.”.

**26.** Regulation 35 (early payment of retirement pension on ill-health grounds: active members) has effect as if for paragraph (1) there were substituted—

“(1) An active member who is a protected transferee, who has qualifying service for a period of two years and whose employment is terminated by a Relevant Contractor on the grounds of ill-health or infirmity of mind or body before that member reaches normal pension age, is entitled to, and must take, early payment of a retirement pension if that member satisfies the conditions in paragraphs (3) and (4) of this regulation.”.

**27.** Regulation 36 (role of the IRMP)(a) has effect as if—

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

“(1) A decision as to whether a member who is a protected transferee is entitled under regulation 35 (early payment of retirement pension on ill-health grounds: active members) to early payment of retirement pension on grounds of ill-health or infirmity of mind or body, and if so which tier of benefits the member qualifies for, shall be made by the Relevant Contractor after that body has obtained a certificate from an IRMP as to—

- (a) whether the member satisfies the conditions in regulation 35(3) and (4); and if so,
- (b) how long the member is unlikely to be capable of undertaking gainful employment; and
- (c) where a member has been working reduced contractual hours and had reduced pay as a consequence of the reduction in contractual hours, whether that member was in part time service wholly or partly as a result of the condition that caused or contributed to the member's ill-health retirement.”;

(b) for paragraph (3) there were substituted—

“(3) The Relevant Contractor must—

- (a) obtain the approval of the member's appropriate administering authority to its choice of IRMP before obtaining a certificate under paragraph (1), and
- (b) notify the Fair Deal employer of its choice of IRMP.”;

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(a) Regulation 36 was amended by S.I. 2015/755.

(c) for paragraph (4) there were substituted—

“(4) The Relevant Contractor, Fair Deal employer and IRMP must have regard to guidance given by the Secretary of State when carrying out their functions under this regulation and regulations 37 (special provision in respect of members receiving Tier 3 benefits) and 38 (early payment of retirement pension on ill-health grounds: deferred and deferred pensioner members).”.

**28.** Regulation 37 (special provision in respect of members receiving Tier 3 benefits) has effect as if—

(a) for paragraphs (2) to (7) there were substituted—

“(2) A member who is a protected transferee who receives Tier 3 benefits shall inform the Relevant Contractor upon starting any employment while those benefits are in payment and shall answer any reasonable inquiries made by that body about employment status including as to pay and hours worked.

(3) Payment of Tier 3 benefits shall cease if a member who was a protected transferee immediately before leaving active service starts an employment which the Relevant Contractor determines to be gainful employment, or fails to answer inquiries made by the Relevant Contractor under paragraph (2), and the Relevant Contractor may recover any payment made in respect of any period before discontinuance during which the member was in an employment it has determined to be gainful employment.

(4) A Relevant Contractor may determine that an employee has started gainful employment for the purposes of paragraph (3) if it forms the reasonable view that the employment is likely to endure for at least 12 months and it is immaterial whether the employment does in fact endure for 12 months.

(4A) A Relevant Contractor which makes a determination under paragraph (4) must notify the relevant Fair Deal employer of that determination.

(5) A Relevant Contractor must review payment of Tier 3 benefits after they have been in payment for 18 months.

(6) A Relevant Contractor carrying out a review under paragraph (5) must make a decision under paragraph (7) about the member's entitlement after obtaining a further certificate from an IRMP as to whether, and if so when, the member will be likely to be capable of undertaking gainful employment.

(7) The decisions available to a Relevant Contractor reviewing payment of Tier 3 benefits to a member under paragraph (5) are as follows—

- (a) to continue payment of Tier 3 benefits for any period up to the maximum permitted by regulation 35(7) (early payment of retirement pension on ill-health grounds: active members);
- (b) to award Tier 2 benefits to the member from the date of the review decision if the authority is satisfied that the member—
  - (i) is permanently incapable of discharging efficiently the duties of the employment the member was engaged in, and either
  - (ii) is unlikely to be capable of undertaking gainful employment before normal pension age, or
  - (iii) is unlikely to be capable of undertaking any gainful employment within three years of leaving the employment, but is likely to be able

to undertake gainful employment before reaching normal pension age;  
or

(c) to cease payment of benefits to the member.”;

(b) for paragraphs (9) and (10) there were substituted—

“(9) A Relevant Contractor which determines that it is appropriate to discontinue payment of Tier 3 benefits for any reason shall notify the relevant Fair Deal employer and the appropriate administering authority of the determination.

(10) A Relevant Contractor may, following a request for a review from a member who was a protected transferee immediately before leaving active service and who is in receipt of Tier 3 benefits, or a request made by such a member within 3 years after payment of Tier 3 benefits are discontinued, make a determination to award Tier 2 benefits to that member from the date of the determination, if the Relevant Contractor is satisfied after obtaining a further certificate from an IRMP, that the member is permanently incapable of discharging efficiently the duties of the employment the member was engaged in, and either—

(a) is unlikely to be capable of undertaking gainful employment before normal pension age; or

(b) is unlikely to be capable of undertaking any gainful employment within three years of leaving the employment, but is likely to be able to undertake gainful employment before reaching normal pension age.”;

(c) for paragraph (12) there were substituted—

“(12) Where the member’s former employer has ceased to be a Relevant Contractor—

(a) the references in paragraphs (2) to (7), (9) and (10) are to be read as references to the relevant Fair Deal employer, and

(b) if the relevant Fair Deal employer has ceased to be a Scheme employer, the references in paragraphs (2) to (7), (9) and (10) are to be read as references to the member’s appropriate administering authority.”.

**29. Regulation 38 (early payment of retirement pension on ill-health grounds: deferred and deferred pensioner members) has effect as if—**

(a) for paragraph (2) there were substituted—

“(2) A request under paragraph (1) in respect of a deferred member who was a protected transferee immediately before leaving active service must be made in writing to—

(a) the Relevant Contractor;

(b) where the member’s former employer has ceased to be a Relevant Contractor, the relevant Fair Deal employer;

(c) where the relevant Fair Deal employer has ceased to be a Scheme employer, the appropriate administering authority.”;

(b) for paragraph (3) there were substituted—

“(3) Before determining whether or not to agree to a request under paragraph (1), the Relevant Contractor, relevant Fair Deal employer, or appropriate administering authority, as the case may be, must obtain a certificate from an IRMP as to whether the member is suffering from a condition that renders the member—

- (a) permanently incapable of discharging efficiently the duties of the employment the member was engaged in because of ill-health or infirmity of mind or body; and, if so,
- (b) whether as a result of that condition the member is unlikely to be capable of undertaking gainful employment before reaching normal pension age, or for at least three years, whichever is the sooner.”;

(c) for paragraph (5) there were substituted—

“(5) A request under paragraph (4) in respect of a deferred pensioner member who was a protected transferee immediately before leaving active service must be made in writing to—

- (a) the Relevant Contractor;
- (b) where the member’s former employer has ceased to be a Relevant Contractor, the relevant Fair Deal employer;
- (c) where the relevant Fair Deal employer has ceased to be a Scheme employer, the appropriate administering authority.”;

(d) for paragraph (6) there were substituted—

“(6) Before determining whether to agree to a request under paragraph (4), the Relevant Contractor, relevant Fair Deal employer, or appropriate administering authority, as the case may be, must obtain a certificate from an IRMP as to whether the member, as a result of ill-health or infirmity of mind or body, is unlikely to be capable of undertaking gainful employment before normal pension age.”;

(e) for paragraph (7), there were substituted—

“(7) The Relevant Contractor and, if it is not the deferred or deferred pensioner member’s appropriate administering authority, the Fair Deal employer must obtain the appropriate administering authority’s consent to the appointment of an IRMP under this regulation.”.

**30.** Regulation 57(1) (pension fund annual report) has effect as if for sub-paragraph (g) there were substituted—

“(g) an annual report dealing with—

- (i) the extent to which the authority and the Scheme employers and Relevant Contractors in relation to which it is the administering authority have achieved any levels of performance set out in a pension administration strategy in accordance with regulation 59 (pension administration strategy), and
- (ii) such other matters arising from a pension administration strategy as it considers appropriate.”.

**31.** Regulation 59(2) (pension administration strategy) has effect as if for sub-paragraph (a) there were substituted—

“(a) procedures for liaison and communication with Scheme employers and Relevant Contractors in relation to which it is the administering authority (“its Scheme employers”).”.

**32.** Regulation 60 (statements of policy about exercise of discretionary functions) has effect as if at the end there were inserted—

“(6) Subject to paragraph (7), a Relevant Contractor must exercise its functions under regulations—

- (a) 16(2)(e) and 16(4)(d) (funding of additional pension);
- (b) 30(6) (flexible retirement);
- (c) 30(8) (waiving of actuarial reduction); and
- (d) 31 (award of additional pension),

in accordance with the statement prepared under paragraph (1) by the relevant Fair Deal employer.

(7) Where Schedule 2A applies, a Scheme employer which is a Fair Deal employer may agree in writing with the Relevant Contractor that the Relevant Contractor may prepare its own statement under paragraph (1), and if it does so—

- (a) the Relevant Contractor must send a copy of its statement to each relevant administering authority within [3 months] of that agreement and must publish its statement, and
- (b) paragraphs (3) to (6) apply to the Relevant Contractor and its statement as they apply to the Scheme employer and its statement.”.

**33.** Regulation 61 (statements of policy concerning communication with members and scheme employers) has effect as if—

- (a) for paragraph (1)(d) there were substituted—

“(d) Scheme employers and Relevant Contractors.”;

- (b) for paragraph (2)(a) there were substituted—

“(a) the provision of information and publicity about the Scheme to members, representatives of members, and Scheme employers and Relevant Contractors;”.

**34.** Regulation 67 (employer’s contributions) has effect as if there were substituted—

**“Employer’s contributions**

**67.—**(1) A Relevant Contractor and Fair Deal employer must make payments in respect of employer’s contributions to the appropriate administering authority in accordance with this Regulation.

(2) A payment in respect of employer’s contributions—

- (a) is payable in respect of each Scheme year or part of a Scheme year in which the Relevant Contractor carries out activities on behalf of the Fair Deal employer;
- (b) must be calculated and paid in respect of all protected transferees employed by the Relevant Contractor in respect of whom a Fair Deal employer is deemed to be the Scheme employer;
- (c) is calculated, in respect of each Scheme year or part of a Scheme year, as the appropriate percentage of—
  - (i) the pensionable pay on which contributions have been paid into the fund by protected transferees who are active members in accordance with regulations 9 to 12 and 14 (contributions), except where paragraph (ii) applies, and

- (ii) the assumed pensionable pay in respect of members on leave due to sickness or injury on reduced contractual pay or no pay or on child-related leave;
- (d) must be made during the relevant Scheme year or part of a Scheme year by way of payments to the appropriate fund on account of the amount required for the whole of that Scheme year or part of a Scheme year which—
  - (i) are paid at the end of the intervals determined under regulation 69 (payment by Scheme employers to administering authorities), and
  - (ii) equal the appropriate proportion of the whole amount due under sub-paragraph (c) for the Scheme year or part of a Scheme year in question.

(3) In respect of a Relevant Contractor the appropriate percentage is (subject to paragraph (4)) the primary rate of the employer's contribution specified for the relevant Fair Deal employer for that year in a rates and adjustments certificate under regulation 62 (actuarial valuations of pension funds) or 64 (circumstances in which revised actuarial valuations and certificates must be obtained).

(4) The Fair Deal employer and the Relevant Contractor may agree in writing before the date on which the relevant service provision change takes place that paragraph (3) should have effect as if for "that year" there were substituted "the Scheme year during which the relevant service provision change took place".

- (5) In respect of a Fair Deal employer, the appropriate percentage is the total of—
- (a) the secondary rate adjustment (if any) specified for the Fair Deal employer for that year in the rates and adjustments certificate, and
  - (b) where paragraph (4) applies, the difference between the primary rate of the employer's contribution specified for the Fair Deal employer for that year in the rates and adjustments certificate and the primary rate of the employers' contribution which was specified for the Fair Deal employer for the Scheme year during which the relevant service provision change took place,

and the appropriate percentage for the purposes of this paragraph may be a positive or negative value or zero, as the case may be.

(6) Where the appropriate percentage determined for a Scheme year or part of a Scheme year for a Fair Deal employer under paragraph (5) has a negative value—

- (a) the Fair Deal employer is not required to make any payment to the appropriate fund during that Scheme year or part of a Scheme year, and
- (b) the appropriate administering authority must make payments to the Fair Deal employer of the amount calculated under paragraph (2)(c) in accordance with the timing set out in paragraph (2)(d).

(7) A Relevant Contractor must also pay into the appropriate fund in each year any employer contribution made under regulation 16 (additional pension contributions).

(8) Where any amount that a Relevant Contractor is required to pay under this regulation is overdue—

- (a) the appropriate administering authority may require the Fair Deal employer to pay to it any amount which is overdue, and

- (b) if it does so, the Fair Deal employer may recover any amount so paid from the Relevant Contractor, together with interest calculated under paragraph (10), as a simple contract debt in any court of competent jurisdiction.

(9) The date on which any amount due under this regulation is overdue is one month from the date specified by the administering authority for payment.

(10) Interest payable under this paragraph must be calculated at one per cent above base rate on a day to day basis from the date on which the administering authority requires the Fair Deal employer to pay the overdue amount to the date on which the Relevant Contractor makes the payment to the Fair Deal employer and compounded with three-monthly rests.”.

**35. Regulation 68 (employers’ further payments)(a)** has effect as if there were substituted—

**“Employer’s further payments**

**68.**—(1) Any extra charge on the appropriate fund resulting from a member becoming entitled to benefits under regulation 35 (early payment of retirement pension on ill-health grounds) or 38 (early payment of retirement pension on ill-health grounds: deferred and deferred pensioner members) must be paid into the fund by the Relevant Contractor concerned.

(2) An administering authority may require the Relevant Contractor concerned to make additional payments to the appropriate fund in respect of any extra charge on the fund resulting from retirements benefits becoming immediately payable to a member under regulation 30(5) (early retirement), (6) (flexible retirement) or (7) (early leavers on grounds of redundancy or business efficiency), including the cost as calculated by an actuary appointed by the administering authority, as a result of a waiver of any reduction under regulation 30(8).

(3) Other than where regulation 64(6) (special circumstances where revised actuarial valuations and certificates must be obtained) applies, a Relevant Contractor making an award under regulation 31 (award of additional pension) must pay a sum into the appropriate fund to meet the cost of any additional pension, in accordance with actuarial guidance issued by the Secretary of State.

(4) Where any amount that a Relevant Contractor is required to pay under this regulation is overdue—

- (a) the appropriate administering authority may require the Fair Deal employer to pay to it any amount which is overdue, and
- (b) if it does so, the Fair Deal employer may recover any amount so paid from the Relevant Contractor, together with interest calculated under paragraph (6), as a simple contract debt in any court of competent jurisdiction.

(5) The date on which any amount due under this regulation is overdue is one month from the date specified by the administering authority for payment.

(6) Interest payable under this paragraph must be calculated at one per cent above base rate on a day to day basis from the date on which the administering authority requires the Fair Deal employer to pay the overdue amount to the date on which the Relevant Contractor makes the payment to the Fair Deal employer and compounded with three-monthly rests.”.

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(a) Regulation 68 was amended by S.I. 2018/493.



36. Regulation 69 (payment by Scheme employers to administering authorities)(a) has effect as if—

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

“(1) Every Relevant Contractor must pay to the appropriate administering authority on or before such dates falling at intervals of not more than 12 months as the appropriate administering authority may determine—

- (a) all amounts received from time to time from employees under regulations 9 to 14 and 16 (contributions);
- (b) any charge payable under regulation 68 (employer's further payments) of which it has been notified by the administering authority during the interval;
- (d) any amount specified in a notice given in accordance with regulation 70 (additional costs arising from Scheme employer's level of performance).
- (e) all amounts received from time to time from the Ministry of Defence in respect of contributions for a member on reserve forces service leave.”;

(b) after paragraph (1) there were inserted—

“(1A) Every Scheme employer must pay to the appropriate administering authority on or before such dates falling at intervals of not more than 12 months as the appropriate administering authority may determine—

- (a) any amount payable under regulation 67(8)(a) or 68(4)(a) of which it has been notified by the administering authority during the interval;
- (b) a contribution towards the costs of the administration of the fund;
- (c) any amount specified in a notice given in accordance with regulation 70 (additional costs arising from Scheme employer's level of performance).”;

(c) for paragraph (2)(b) there were substituted—

“(b) paragraph (1A)(b) does not apply where the cost of the administration of the fund is paid out of the fund under regulation 4(5) (management of a pension fund) of the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016”;

(d) for paragraph (5) there were substituted—

“(5) If an amount payable under paragraphs (1)(d), (1A)(b) or (1A)(c) can not be settled by agreement, it must be determined by the Secretary of State.”.

37. Regulation 70 (additional costs arising from Scheme employer's level of performance) has effect as if there were substituted—

**“Additional costs arising from Scheme employer's level of performance**

**70.—**(1) This regulation applies where, in the opinion of an administering authority, it has incurred additional costs which should be recovered from a Relevant Contractor or Scheme employer because of that body's level of performance in carrying out its functions under these Regulations.

(2) The administering authority may give written notice to the Relevant Contractor or Scheme employer stating—

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(a) Regulation 69 was amended by S.I. 2015/755 and 2016/946.

- (a) the administering authority's reasons for forming the opinion mentioned in paragraph (1);
  - (b) the amount the authority has determined the Relevant Contractor or Scheme employer should pay under regulation 69(1)(d) or (1A)(c) (payments by Scheme employers to administering authorities), as the case may be, in respect of those costs and the basis on which the specified amount is calculated; and
  - (c) where the administering authority has prepared a pension administration strategy under regulation 59, the provisions of the strategy which are relevant to the decision to give the notice and to the matters in sub-paragraphs (a) or (b).
- (3) Where any amount that a Relevant Contractor is required to pay under this regulation is overdue—
- (a) the appropriate administering authority may require the Fair Deal employer to pay to it any amount which is overdue, and
  - (b) if it does so, the Fair Deal employer may recover any amount so paid from the Relevant Contractor, together with interest calculated under paragraph (5), as a simple contract debt in any court of competent jurisdiction.
- (4) The date on which any amount due under this regulation is overdue is one month from the date specified by the administering authority for payment.
- (5) Interest payable under this paragraph must be calculated at one per cent above base rate on a day to day basis from the date on which the administering authority requires the Fair Deal employer to pay the overdue amount to the date on which the Relevant Contractor makes the payment to the Fair Deal employer and compounded with three-monthly rests.”.

**38.** Regulation 72 (first instance decisions) has effect as if there were substituted—

**“First instance decisions**

**72.—**(1) Any question concerning the rights or liabilities under the Scheme of any person other than a Relevant Contractor or a Scheme employer must be decided in the first instance by the person specified in this regulation.

(2) In these Regulations, reference to the Relevant Contractor, Scheme employer or appropriate administering authority of a prospective member is a reference to the body that would be the Relevant Contractor in respect of that prospective member, or that prospective member's Scheme employer or appropriate administering authority, if that person were to become an active member in the employment by virtue of which eligibility to join the Scheme would be established.

(3) The appropriate administering authority must decide any question concerning—

- (a) a person's previous service or employment;
- (b) the crediting of additional pension under regulation 16 (additional pension); and
- (c) the amount of any benefit, or return of contributions, a person is or may become entitled to out of a pension fund.

(3A) The Relevant Contractor must decide any question concerning any other matter relating to rights or liabilities under the Scheme in respect of—

- (a) a person who is or who claims to be a protected transferee;

(b) a person who is or who claims to be entitled to a death grant or survivor pension in respect of a person to whom sub-paragraph (a) applies;

(c) a person who is or who claims to be a pension credit member whose pension derives from a person to whom sub-paragraph (a) applies.

(3B) If the Relevant Contractor has ceased to be a Relevant Contractor, the decision under paragraph (3A) must instead be taken by the Scheme employer.

(4) The relevant Scheme employer must decide any question concerning any other matter relating to any other person's rights or liabilities under the Scheme.

(5) A decision under this regulation must be made as soon as is reasonably practicable.”.

**39.** Regulation 74 (applications for adjudication of disagreements) has effect as if—

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

“(1) Each Relevant Contractor, Scheme employer and administering authority must appoint a person (“the adjudicator”) to consider applications from any person whose rights or liabilities under the Scheme are affected by—

(a) a decision under regulation 72 (first instance decisions); or

(b) any other act or omission by a Relevant Contractor, Scheme employer or administering authority,

and to make a decision on such applications.

(1A) A Relevant Contractor—

(a) may appoint as its adjudicator the same person who has been appointed as adjudicator by the relevant Scheme employer, and

(b) is deemed to have appointed as its adjudicator the person who has been appointed as adjudicator by the Relevant Scheme employer if it fails to make an appointment within six months after the date on which the relevant service provision change takes place.”;

(b) for paragraph (5)(b), there were substituted—

“(b) if the applicant is not a member of the Scheme, set out the applicant’s relationship to any relevant member of the Scheme and give that member’s full name, address, date of birth, national insurance number and the name of the member’s Relevant Contractor and Scheme employer.”.

**40.** Regulation 75 (decisions of the adjudicator) has effect as if—

(a) for paragraph (1), there were substituted—

“(1) The adjudicator must give written notice of a decision under regulation 74 (applications for adjudication of disagreements) to—

(a) the applicant,

(aa) the Relevant Contractor,

(b) the Scheme employer, and

(c) if the Scheme employer is not an administering authority, to the appropriate administering authority

before the expiry of two months beginning with the date on which the application was received.”;

(b) for paragraph (4), there were substituted—

“(4) A decision under paragraph (1) takes effect as a decision of the Relevant Contractor, Scheme employer or administering authority, as the case may be, except where the matter concerns the exercise of a discretion, in which case, if the adjudicator does not uphold the decision, the matter must be referred back—

- (a) to the body which made the decision under adjudication for reconsideration;
- (b) where that body would have been the Relevant Contractor but that body is no longer a Relevant Contractor, to the appropriate Scheme employer;
- (c) where that body would have been the Scheme employer but that body is no longer a Scheme employer, to the appropriate administering authority”.

**41.** Regulation 76 (reference of adjudications to administering authority) has effect as if for paragraph (2)(c) there were substituted—

“(c) if the applicant is not a member of the Scheme, set out the applicant's relationship to any relevant member of the Scheme and give that member's full name, address, date of birth, national insurance number and the name of the member's Scheme employer and (where that member is a protected transferee) the Relevant Contractor;”.

**42.** Regulation 77 (decisions of the administering authority on reconsideration) has effect as if—

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

“(1) An administering authority must give written notice of its decision after reconsideration under regulation 76 (reference of adjudications to administering authority) to—

- (a) the applicant,
- (aa) the Relevant Contractor, and
- (b) where the administering authority is not the Scheme employer, to the Scheme employer,

before the expiry of the period of two months beginning with the date the application is received.”;

(b) for paragraph (4), there were substituted—

“(4) A decision under paragraph (1) takes effect as a decision of the Relevant Contractor, Scheme employer or administering authority, as the case may be, except where the matter concerns the exercise of a discretion, in which case, if the adjudicator does not uphold the decision, the matter must be referred back—

- (a) to the body which made the decision under adjudication for reconsideration;
- (b) where that body would have been the Relevant Contractor but that body is no longer a Relevant Contractor, to the appropriate Scheme employer;
- (c) where that body would have been the Scheme employer but that body is no longer a Scheme employer, to the appropriate administering authority”.

**43.** Regulation 79 (appeals by administering authorities) has effect as if—

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

“(1) This regulation applies where a Relevant Contractor or Scheme employer—

- (a) has decided, or failed to decide any question falling to be decided by that employer under regulation 72 (first instance decisions), otherwise than in the exercise of a discretion; and
- (b) is not an administering authority.”;

(b) for paragraph (2) there were substituted—

“(2) Where this regulation applies, an administering authority maintaining a pension fund into which a Relevant Contractor or Scheme employer pays contributions may appeal to the Secretary of State against the body's decision on a question or failure to make a decision on a question.”;

(c) for paragraph (4) there were substituted—

“(4) The relevant date is—

- (a) where a Relevant Contractor or Scheme employer has decided a question, the date of the notification of the decision; or
- (b) where a Relevant Contractor or Scheme employer has failed to decide a question, the date of the failure.”;

(d) for paragraph (5) there were substituted—

“(5) For the purposes of paragraph (4)(b) a Relevant Contractor or Scheme employer is to be taken to have failed to decide a question if it has not given a decision in writing at the expiry of three months beginning with the date on which the administering authority has requested a decision in writing.”;

(e) for paragraph (6) there were substituted—

“(6) Subject to paragraph (7), the Secretary of State must make a decision on the appeal which is to take effect as a decision of the Relevant Contractor or Scheme employer, as the case may be, and must issue a notice in writing to the appellant and to any other person appearing to the Secretary of State to be affected by it.”.

#### **44. Regulation 80 (exchange of information) has effect as if—**

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

“(1) Each Scheme employer and Relevant Contractor must—

- (a) inform the appropriate administering authority of all decisions made by the body under regulation 72 (first instance decisions) or by an adjudicator appointed by the body under regulation 74 (applications for adjudication of disagreements) concerning members; and
- (b) give that authority such other information as it requires for discharging its Scheme functions.”;

(b) for paragraph (2) there were substituted—

“(2) If—

- (a) an administering authority makes any decision under regulations 72 (first instance decisions), 75 (decisions of the adjudicator) or 76 (reference of adjudications to administering authority) about a person for whom it is not the Scheme employer; and
- (b) information about that decision is required by the person's Relevant Contractor or Scheme employer for discharging that employer's Scheme functions,

that authority must give that body that information if asked to supply it.”;

(c) for paragraph (3) there were substituted—

“(3) Within three months of the end of each Scheme year, each Relevant Contractor must give a statement to the appropriate administering authority giving the following details in respect of each employee who is a protected transferee and who has been an active member during the Scheme year—

- (a) the employee's name and gender;
- (b) the employee's date of birth and national insurance number;
- (c) a unique reference number relating to each employment in which the employee has been an active member; and
- (d) the information relating to the employee for the Scheme year in question for each employment which is specified in paragraph (4).”.

**45. Regulation 85 (deduction and recover of member’s contributions) has effect as if—**

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

“(1) A Relevant Contractor may deduct from a person's pay any contributions payable by the member under these Regulations.”;

(b) for paragraph (5) there were substituted—

“(5) If—

- (a) a Relevant Contractor deducts in error any amount in respect of contributions from a person's pay or any other sum due to that person; and
- (b) the amount has not been repaid before the expiry of the period of one month beginning with the date of the deduction,

the appropriate body must pay interest on the amount, and the due date for the calculation of the interest payable is the date of the deduction.”;

(c) for paragraph (8) there were substituted—

“(8) The “appropriate body” for the purposes of paragraph (5) is—

- (a) the appropriate administering authority, where the employee's contributions have been paid into a fund; and
- (b) the Relevant Contractor where the employee's contributions have not yet been paid into a fund.”.

**46. Regulation 90 (information to be supplied by employees) has effect as if—**

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

“(1) Before the expiry of three months beginning with the date on which a person who is, or who is treated as, a protected transferee becomes a member, the Relevant Contractor must ask the member in writing for the documents specified in paragraph (2).”;

(b) for paragraph (4) there were substituted—

“(4) The Relevant Contractor need not request any documents if it is satisfied that it, or the appropriate administering authority, already has all material information.”.

47. Regulation 91 (forfeiture of pension rights after conviction for employment-related offences)(a) has effect as if—

(a) for paragraph (A1) there were substituted—

“(A1) This paragraph 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,

(aa) was a protected transferee immediately before leaving active service, and

(b) has been convicted of a relevant offence.”;

(b) after paragraph (2) there were inserted—

“(2A) Before making an application for a forfeiture certificate, the former Scheme employer must consult with the former Relevant Contractor.”;

(c) for paragraph (3) there were substituted—

“(3) Where a former Scheme employer applies for a forfeiture certificate, it must at the same time send the convicted person, the Relevant Contractor and the appropriate administering authority a copy of the application.”;

(d) for paragraph (4) there were substituted—

“(4) Where a forfeiture certificate is issued—

(a) the member’s former Scheme employer, following consultation with the former Relevant Contractor, or

(b) the former Relevant Contractor, following consultation with the member’s former Scheme employer,

may direct that any of the member’s rights under these Regulations are forfeited.”;

(e) for paragraph (5) there were substituted—

“(5) If the former Scheme employer makes a direction under paragraph (4), it must serve a notice of its decision to make a direction on the member and the former Relevant Contractor.

(5A) If the former Relevant Contractor makes a direction under paragraph (4), it must serve a notice of its decision to make a direction on the member and the former Scheme employer.”;

(f) for paragraph (7), there were substituted—

“(7) If the former Scheme employer or former Relevant Contractor incurred loss as a direct consequence of the relevant offence, it may only give a direction under paragraph (4) if it is unable to recover its loss under regulation 93 (recovery or retention where former member has misconduct obligation) or otherwise, except after an unreasonable time or at disproportionate cost.

(8) If the former Relevant Contractor has ceased to be treated as a Relevant Contractor by virtue of paragraph 7(2)(a) of Schedule 2A—

(a) the former Scheme employer is not required to consult the former Relevant Contractor under paragraphs (2A) or (4)(a);

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(a) Regulation 91 was amended by S.I. 2025/XXXX

- (b) the former Scheme employer is not required to send the former Relevant Contractor—
  - (i) a copy of the application for a forfeiture certificate under paragraph (3), or
  - (ii) a notice of its decision to make a direction under paragraph (5);
- (c) the former Relevant Contractor may not make a direction under paragraph (4)(b).”.

**48.** Regulation 93 (recovery or retention where former member has misconduct obligation)(a) has effect as if—

- (a) for paragraph (1) there were substituted—

“(1) 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;
- (aa) was a protected transferee immediately before leaving active service;
- (b) has incurred some monetary obligation to a relevant body arising out of grave misconduct or a criminal, negligent or fraudulent act or omission in connection with that employment; and
- (c) is entitled to benefits under these Regulations, which for the purposes of this regulation includes entitlement to a refund of contributions.”;

- (b) for paragraph (2) there were substituted—

“(2) A relevant body may recover or retain out of the appropriate fund the lesser of—

- (a) the amount of the monetary obligation; or
- (b) the value at the time of recovery or retention of all benefits in respect of the former employee with respect to that person's previous membership (as determined by an actuary, except where the benefit is a refund of contributions).”;

- (c) for paragraph (4) there were substituted—

“(4) The relevant body must give the former employee—

- (a) not less than three months' notice of the amount to be recovered or retained under paragraph (2); and
- (b) a statement showing the amount recovered or retained, how it is calculated and the effect on the person's benefits or prospective benefits.”;

- (d) for paragraph (5) there were substituted—

“(5) If there is any dispute over the amount of the monetary obligation specified in paragraph (1)(b), the relevant body may not recover or retain any amount under paragraph (2) until the obligation is enforceable under an order of a competent court or the award of an arbitrator.

(6) In this regulation, “relevant body” means—

- (a) the body that was the Scheme employer in that employment;
- (b) the body that was the Relevant contractor in respect of that employment.”.

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(a) Regulation 93 was amended by S.I. 2025/XXXX.



49. Regulation 94 (adjustment of accounts following forfeiture etc) has effect as if—

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

“(1) Where a direction for forfeiture is issued under regulation 91 (forfeiture of pension rights after conviction for employment-related offences) the appropriate administering authority must transfer out of the member's pension account the benefits which are forfeited and pay the relevant Scheme employer or Relevant Contractor (as the case may be) an amount determined by an actuary as representing the capital value of those benefits.”;

(b) for paragraph (2) there were substituted—

“(3) Where an amount is recovered or retained under regulation 93 (recovery or retention where former member has misconduct obligation), the appropriate administering authority must transfer out of the member's pension account the amount recovered or retained and pay it to the relevant Scheme employer or Relevant Contractor (as the case may be).”.

50. Schedule 1 (interpretation) has effect as if—

(a) for the definition of “Scheme employer’s consent” there were substituted—

““Relevant employer’s consent” includes—

- (a) the consent of the relevant Fair Deal employer in circumstances where the member’s former employer is no longer a Relevant Contractor, and
- (b) the consent of the appropriate administering authority in circumstances where the relevant Fair Deal employer is no longer a Scheme employer;”;

(b) for the definition of “SCAVC”(a) there were substituted—

““SCAVC” means an arrangement established under regulation 17 to which both the Relevant Contractor and the active member who is a protected transferee contribute;”.

#### **Amendments to regulation 9 of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014**

9. In regulation 9 (transfers) of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(b)—

(a) after paragraph (1ZB), insert—

“(1ZC) Where a transfer payment is received into the 2014 Scheme in respect of a person to whom paragraph (1ZD) applies (P) from a pension scheme to which paragraph (1ZE) applies, such payment shall entitle P to benefits under the 2014 Scheme as if they were payable as final salary benefits under the 2008 Scheme so long as paragraph (1ZF) does not apply in respect of P.

(1ZD) This paragraph applies to a person who—

- (a) was employed by a Fair Deal employer,
- (b) ceased to be employed by that Fair Deal employer as a result of a service provision change to which regulation 3(1)(b)(i) of the TUPE Regulations applied (whether

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(a) The definition of “SCAVC” was amended by S.I. 2015/755.

(b) S.I. 2014/525, amended by S.I. 2018/493 and 2023/972; there are other amendments but none is relevant.

or not their employer subsequently changed again following a further service provision change to which regulation 3(1)(b)(ii) or (iii) of the TUPE Regulations applied),

- (c) was, immediately before that initial service provision change, either—
  - (i) an active member of one of the Earlier Schemes, or
  - (ii) eligible to be an active member of one of the Earlier Schemes, and
- (d) was, following that initial service provision change, entitled to pension protection under—
  - (i) the Best Value Authorities Staff Transfers (Pensions) Direction 2007, or
  - (ii) the Welsh Authorities Staff Transfers (Pensions) Directions 2012.

(1ZE) This paragraph applies to a pension scheme—

- (a) which is not a public service pension scheme,
- (b) under which P was entitled to final salary benefits, and
- (c) which was provided to P in order to satisfy a requirement to secure pension protection for P under—
  - (i) directions 5 or 8 of the Best Value Authorities Staff Transfers (Pensions) Direction 2007,
  - (ii) directions 5 or 8 of the Welsh Authorities Staff Transfers (Pensions) Directions 2012, or
  - (iii) directions 5 or 8 of the Welsh Authorities Staff Transfers (Pensions) Directions 2022.

(1ZF) This paragraph applies where there has been a continuous period of more than five years since P ceased to be an active member the scheme from which the transfer is being made during which P was not an active member of—

- (a) a public service pension scheme, or
- (b) a pension scheme which was provided to P in order to satisfy a requirement to secure pension protection for P under—
  - (i) directions 5 or 8 of the Best Value Authorities Staff Transfers (Pensions) Direction 2007,
  - (ii) directions 5 or 8 of the Welsh Authorities Staff Transfers (Pensions) Directions 2012, or
  - (iii) directions 5 or 8 of the Welsh Authorities Staff Transfers (Pensions) Directions 2022.”;

(b) after paragraph (4), insert—

“(5) In this regulation, “Fair Deal employer”, “service provision change” and “TUPE Regulations” have the same meaning as in Schedule 1 to the 2013 Regulations(a).”.

**Transitional provision in respect of service provision changes taking place on or before [date 6 months after coming-into-force date]**

**10.—**(1) This paragraph applies where—

- (a) there is a service provision change to which regulation 3(1)(b)(i) or (ii) of the TUPE regulations (relevant transfers: service provision change) applies,

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

- (b) the client in respect of that service provision change is a Fair Deal employer,
  - (c) the contract of employment of a person (E1) is compulsorily transferred to a contractor or subsequent contractor (C1) under regulation 4 of the TUPE regulations (effect of relevant transfer on contracts of employment), and
  - (d) the date of the service provision change is on or before [date 6 months after coming-into-force date].
- (2) Where paragraph (1) applies, the Fair Deal employer and C1 may agree in writing before the date on which the service provision change takes place that, until the date in paragraph (3), the 2013 Regulations have effect in relation to E1 as if the amendments made by regulations 3, 6, 7 and 8 did not apply.
- (3) The date in this paragraph is the earliest of—
- (a) the next date on which E1's contract of employment is compulsorily transferred to a subsequent contractor under regulation 4 of the TUPE regulations, and
  - (b) the next date on which the Fair Deal employer renews, extends or re-procures the contract under which C1 carries out the activities to which the service provision change related on the Fair Deal employer's behalf.
- (4) This paragraph applies where—
- (a) before [coming-into-force date] there was a service provision change to which regulation 3(1)(b)(i) or (ii) of the TUPE regulations applied,
  - (b) the client in respect of that service provision change was a Fair Deal employer,
  - (c) the contract of employment of a person to whom paragraph 4(1) or (2) of Schedule 2A to the 2013 Regulations applies (E2) was compulsorily transferred to a contractor or subsequent contractor (C2) under regulation 4 of the TUPE regulations,
  - (d) the Fair Deal employer renews, extends or re-procures the contract under which C2 carries out the activities to which the service provision change related on the Fair Deal employer's behalf,
  - (e) following that renewal, extension or re-procurement E2 remains an employee of C2 working wholly or mainly on the activities being carried out by C2 on the Fair Deal employer's behalf, and
  - (f) the date of that renewal, extension or re-procurement is on or before [date 6 months after coming-into-force date].
- (5) Where paragraph (4) applies, the Fair Deal employer and C1 may agree in writing before the date on which the renewal, extension or re-procurement in sub-paragraph (d) takes place that until the date in paragraph (6) the 2013 Regulations have effect in relation to E2 as if the amendments made by regulations 3, 6, 7 and 8 did not apply.
- (6) The date in this paragraph is the earliest of—
- (a) the next date on which E2's contract of employment is compulsorily transferred to a subsequent contractor under regulation 4 of the TUPE regulations, and
  - (b) the next date on which the Fair Deal employer renews, extends or re-procures the contract under which C2 carries out the activities to which the service provision change related on the Fair Deal employer's behalf.
- (7) In this regulation, “client” “contractor”, “Fair Deal employer”, “service provision change”, “subsequent contractor” and “TUPE regulations” have the same meaning as in Schedule 1 to the 2013 Regulations.

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

## 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, and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (S.I. 2014/525, “the 2014 Regulations”), which preserve LGPS rights accrued before 1st April 2014.

Regulations 3 and 8 amend the 2013 Regulations (by inserting new regulation 3B and Schedule 2A respectively) to make provision about the circumstances in which members can continue to participate in the LGPS after their roles have been outsourced by a local authority. These changes are made in accordance with the Government’s updated “Fair Deal” guidance issued in 2013 (<https://www.gov.uk/government/publications/fair-deal-guidance>; hard copies available from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF).

- New paragraph 1 of Schedule 2A introduces the concepts of ‘protected transferee’ (a person who is to receive pension protection following a compulsory under regulation 4 of the Transfer of Undertakings (Protection of Employment) Regulations 2006) and ‘Relevant Contractor’ (a body delivering a service or function on behalf of a ‘Fair Deal employer’).
- New paragraph 2 of Schedule 2A provides that the protected transferee will be deemed to be employed by the Fair Deal employer for the purposes of the 2013 Regulations, and sets out the obligations on the ‘Relevant Contractor’ in connection with this. New Part 2 of Schedule 2A modifies the 2013 Regulations where necessary to facilitate this.
- New paragraph 3 of Schedule 2A provides for how these provisions apply in the circumstances of subsequent transfers.
- New paragraph 4 of Schedule 2A provides for how these provisions apply when contracts that are currently outsourced are re-tendered, and new paragraph 5 clarifies the interaction between Schedule 2A and directions providing for existing pensions protection.
- New paragraph 6 of Schedule 2A sets out the circumstances in which persons working on a contract alongside outsourced local government employees can be treated as protected transferees.
- New paragraph 7 of Schedule 2A sets out what happens when a Relevant Contractor ceases to provide a service or function on behalf of a Fair Deal employer.

Regulation 6 also amends Schedule 1 to provide definitions relevant to these provisions, and regulation 7 makes a consequential change to Part 3 of Schedule 2 to the 2013 Regulations.

Regulation 10 contains transitional provision in respect of transfers which take effect on or before [date 6 months after coming-into-force date] to provide a limited period within which a Fair Deal employer and Relevant Contractor may agree that these amendments should not apply, in order to facilitate the completion of contracts which were close to completion at the point that these amendments came into force.

Regulations 4 and 5 insert new regulation 100A and amend regulation 101 of the 2013 Regulations respectively to enable administering authorities to accept bulk inward transfers of pension rights.

Regulation 9 amends the 2014 Regulations to provide that any ‘broadly equivalent’ final salary pension previously provided to former members of the LGPS when they were outsourced can be used to buy final salary LGPS benefits if it is transferred back into the Scheme.

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

DRAFT