

## Amendment Regulations

It was identified that the way the original set of Regulations were written, for some areas could have been interpreted incorrectly and therefore providing the wrong outcome.

Amendment	Requirement
Change of definition of local government service	To align admission body provisions with the LGPS more closely with the Public Service Pensions Act 2013
Cancellation of membership of the 50/50 section	<p>To make clear that where a member is contributing to the 50/50 section of the scheme, membership of that section is cancelled from the beginning of the first pay period after:</p> <ul style="list-style-type: none"> <li>• The member's automatic re-enrolment date, or</li> <li>• The member goes onto nil pay as a result of sickness, injury, or child-related leave provided that the member is still on no pay at the beginning of that pay period</li> </ul>
Contributions during absence from work	Before the change, the regulation could be interpreted incorrectly to mean that where a member is on either child related leave, reserve forces leave or on leave due to sickness, they would only be credited with earned pension if they were in receipt of pensionable pay. Members deemed to be in receipt of assumed pensionable pay (sickness, injury, child-related leave or reserved forces duties) would have been excluded.
Calculation of assumed pensionable pay	<p>There may be occasions where the outcome of the prescribed calculation is, in the employer's opinion, materially lower than the actual level of pensionable pay the member would normally receive had they been at work.</p> <p>In these circumstances, the employer may substitute a higher level of pensionable pay than the APP value to reflect the level of pay the member would normally have received.</p>

	<p>In making such a determination, the scheme employer must have regard to the pensionable pay received by the member in the previous 12 months. If the member has not received any pensionable pay in the previous 12 months, this does not prevent an employer from making a determination to substitute a higher level of pensionable pay.</p> <p>The changes are introduced to align the regulations with what is likely to be happening in practice</p>
Benefits payable where a member is dismissed on the grounds of redundancy or business efficiency	To make clear that where an active member, aged 55 or over, is dismissed from an employment on the grounds of redundancy or business efficiency, or whose employment is terminated by mutual consent on business efficiency, only the benefits derived from the member's active pension account are payable without reduction under this regulation.
Maximum tax-free lump sum payable from an AVC plan started on or after 1 April 2014	To make clear that the maximum tax-free lump sum payable from an AVC plan (established on or after 1 April 2014) is limited to 100% of the value of the AVC plan.
Inclusion of ill health enhancement when calculating survivor benefits	To make clear that where survivor benefits are payable upon the death of a member who was in receipt of a Tier 1 or Tier 2 ill health pension under the 2014 Scheme, a proportion of the ill health enhancement is fed into the calculation of any survivor benefits
Lifetime Allowance protections	To make clear that in determining a member's lifetime allowance, primary, enhanced, fixed and individual protection may be taken into account, as appropriate.
Scheme employer additional payments in respect of early retirement where a member has reached the age of 55 or over and the employer chooses to waive the	Prior to this amendment, the regulations had inadvertently missed this cost from the list of additional payments that a scheme employer may be required to make to a fund.

reduction to their benefits.	
Transfers (under which legislation a member is allowed the right to transfer out of the scheme)	Prior to this amendment, the regulations incorrectly referenced revoked legislation.
Clarification of the definitions: partner, statutory pay and revelation adjustment	To make clear that a partner can be the partner of an active, deferred, deferred pensioner and pensioner member. Prior to the amendment the definition of partner was specific to an active member only.
Connected scheme employers reference corrected	Prior to the amendment the regulations incorrectly referenced a local authority as being a connected employer, this wouldn't always be the case.
Aggregation – clarification of Normal Pension Age (NPA)	Prior to the amendments, the regulations inadvertently protected the NPA of the aggregated benefits to that of the 1995 regulations.
Aggregation – introduction of time limit	This amendment removes an unintended provision for certain members who have an open ended right to elect for the aggregation of a deferred benefit.
Correction to additional contributions paid before 1 April 2014 in a refund paid under the 2013 Regulations	Prior to this amendment, the regulations could have been interpreted to mean that the additional contributions (including AVCs) were not refunded at the same time as the main scheme contributions. This could have resulted in orphan AVCs.