

Appendix A1

Employing Authority Discretions - Statutory Local Government Pension Scheme Regulations 2013

Regulation	Description	Policy
16(2)(e) and 16(4)(d)	Whether and how much and in what circumstances to contribute to a shared cost APC/SCAPC	
30(6), 30(8) and 11(2) of the LGPS (Transitional Provisions, Savings and amendment) Regulations 2014	Flexible retirement and waiving any actuarial reduction that would apply	
31	Power of employing authority to grant additional pension to an active member	

Employing Authority Discretions - statutory

Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014

Regulation	Description	Discretion application
Schedule 2 para 1(2)	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 and whether to waive actuarial reduction in certain circumstances	

Employing Authority Discretions - statutory

Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014

Discretions in relation to the Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007

Regulation	Description	Discretion application
30(2)	Consenting to the immediate payment of benefits between age 55 and 60	
30(5)	Waiving an actuarial reduction to pension benefits on compassionate grounds	
30A(3)	Consenting to application of payment for a suspended tier 3 ill health pension between age 55 and 60	
30A(5)	To waive actuarial reductions on compassionate grounds for payment of a suspended tier 3 ill health pension between age 55 and 60	

Employing Authority Discretions - statutory

Discretions in relation to the Local Government Pension Scheme Regulations 1997 (The 1997 Pension Regulations) (some may continue to apply in relation to historical cases or councillors)

There are a number of regulations within the former 1997 Pension Regulations that apply to councillors who elect to join the LGPS. Where discretions are applicable in relation to active councillor members they should be applied as they are mirrored within the LGPS Regulations applicable from 1 April 2014.

Regulation	Description	Discretion application
31(2)	Grant application from a post 31 March 1998 / pre 1 April 2008 leaver for early payment of benefits on or after age 55 and before age 65	
31(5)	Waive on compassionate grounds the actuarial reduction applied to benefits paid early for a post 31 March 1998 / pre 1 April 2008 leaver or councillor	

Employing Authority Discretions – non statutory

Local Government Pension Scheme Regulations 2013

Regulation	Description	Policy
3(1)(b) and schedule 2 part 2	To whom to offer membership of the LGPS for designating bodies	
3(1)(a), Schedule 1 And 23(4) of the LGPS Regulations 1997	Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one for pay cuts / restrictions occurring pre 1 April 2008	
3(1)(c) and 4(2)(b)	To whom to offer membership of the LGPS for admission bodies	
9(1) and 9(3)	Determination of contribution rate and how it will be determined	
16(16)	Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve force service leave)	
17(1)	Establishment of a Shared Cost AVC (SCAVC) facility	
19(2)	Right to a refund if member left due to offence of fraudulent character or grave misconduct	
20(1)(b)	Specify in an employee's contract benefits to be determined as pensionable	
21(5)	Determine "regular lump sum" for Assumed Pensionable Pay	
22(7)(b)	Extension of time limit for deferred benefits to not be aggregated	

Regulation	Description	Policy
	(concurrent employments)	
22(8)(b)	Extension of time limit for deferred benefits to not be aggregated	
37(3)	Recovery of payments following date of discontinuance of third tier ill health pension entitlement	
37(7)	Subsequent determination on level of ill health benefit following review of third tier ill health award as to whether tier two ill health benefits should apply.	
38(3)	Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner.	
38(6)	Decision whether a deferred and deferred pensioner member meets criteria for early payment due to permanent ill health	
91 to 93	Forfeiture of pension rights as a result of offences or misconduct	
95	Impact of forfeiture decision on surviving spouse or civil partner	
100(6)	Extension of time limit to accept a transfer value in conjunction with the administering authority	

Employing Authority Discretions – non statutory

Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014

Regulation	Description	Discretion application
3(6), 4(6)(c), 6(4), 10(2)(a), 17(2) and 17(2)(b) And 11(2) of the LGPS (Benefits, Membership and Contributions) Regulations 2007	Agreement to member selecting final pay period for fees	
15(1)(d) and 25(3) of the LGPS (Administration) Regulations 2008	Continuing contribution in to a Shared Cost AVC (SCAVC) facility	
15(1)(b) and 66(8) and former 66(9) of the Local Government Pension Scheme Regulations 1997	Allow late application to convert scheme AVCs into membership credit	

Employing Authority Discretions – non statutory

Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014

Discretions in relation to the Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007

Regulation	Description	Discretion application
11(2)	Final pay period to be used where a member's pay consists of fees	
Regulation 31(4) and 31(7)	Determine payment of deferred pension on health grounds. Decision whether a deferred or deferred pensioner member meets criteria for early payment due to permanent ill health	

Employing Authority Discretions – non statutory

Discretions in relation to the Local Government Pension Scheme (Administration) Regulations 2008

Regulation	Description	Discretion application
47(2)	No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made	
49(1) and (2)	Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund	
72 to 76	Forfeiture of pension rights as a result of offences or misconduct	

Employing Authority Discretions – non statutory

Discretions in relation to the Local Government Pension Scheme Regulations 1997 (The 1997 Pension Regulations) (some may continue to apply in relation to historical cases or councillors)

There are a number of regulations within the former 1997 Pension Regulations that apply to councillors who elect to join the LGPS. Where discretions are applicable in relation to active councillor members they should be applied as they are mirrored within the LGPS Regulations applicable from 1 April 2014.

Regulation	Description	Discretion application
34(1)(b)	Decide in the absence from a post 31 March 1998 / pre 1 April 2008 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership	
71(7)(a)	Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy for pre 1 April 08.	
88(2)	No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (pre 1 April 2008 leavers)	
92	Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund for pre 1 April 2008 leavers.	
111- 115	Forfeiture of pension rights as a result of offences or misconduct	

Employing Authority Discretions – non statutory

Discretions in relation to the Local Government Pension Scheme Regulations 1995 (the “1995 Pension Regulations”)

There are some regulations within the former 1995 Pension Regulations that still apply scheme members who ceased active membership before 1 April 1998. Where discretions are also applicable in relation to active members in the LGPS2014 Regulations they should be applied as they are mirrored within the LGPS Regulations applicable from 1 April 2014.

Regulation	Description	Discretion application
D11(2)(c)	Grant application from a pre 1 April 1998 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds	Delegated powers have been given to the Director of Resources
D10	Decide in the absence from a pre 1 April 1998 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership	Delegated powers have been given to the Director of Resources