

## SCHEDULES

### SCHEDULE 2

Regulation 3

#### Scheme employers

### PART 1

1. In England, a county council, a district council, a London borough council, the Greater London Authority, the Common Council of the City of London and the Council of the Isles of Scilly.
2. In Wales, a county council or a county borough council.
3. A joint board, body or committee appointed under any Act or statutory order or statutory scheme, of which all the constituent authorities are councils of a description in paragraph 1 or 2 or a combination of such councils.
4. A Mayoral development corporation within the meaning of section 198 of the Localism Act 2011(1).
5. A fire and rescue authority within the meaning of the Fire and Rescue Services Act 2004(2).
6. A police and crime commissioner.
7. A chief constable within the meaning of section 2 of the Police Reform and Social Responsibility Act 2011(3).
8. The Commission for Local Administration in England.
9. A probation trust established under section 5 of the Offender Management Act 2007(4) or a National Probation Service local board.
10. The Chichester Harbour Conservancy.
11. The Lee Valley Regional Park Authority.
12. An integrated transport authority within the meaning of Part 5 of the Local Transport Act 2008(5).
13. The Broads Authority.
14. A further education corporation, a sixth form college corporation or a higher education corporation within the meaning of section 90 of the Further and Higher Education Act 1992(6).
15. The London Pensions Fund Authority.
16. The South Yorkshire Pensions Authority.

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(1) 2011 c.20.

(2) 2004 c. 21.

(3) 2011 c.13.

(4) 2007 c. 21.

(5) 2008 c. 26.

(6) 1992 c. 13. Relevant amendments to section 90 were made by the Education Act 2011 (c. 21) and the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

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17. The Environment Agency.
18. A National Park Authority established under Part 3 of the Environment Act 1995(7).
19. An Education Action Forum within the meaning of section 11 of the School Standards and Framework Act 1998(8).
20. A proprietor of an Academy within the meaning of section 579 (general interpretation) of the Education Act 1996(9) who has entered into Academy arrangements within the meaning of section 1 (academy arrangements) of the Academies Act 2010(10).
21. A body set up by a local housing authority as a housing management company to exercise management functions of the authority under an agreement approved by the appropriate minister under section 27 of the Housing Act 1985(11).
22. The Valuation Tribunal Service established under section 105 of the Local Government Act 2003(12) and the Valuation Tribunal for Wales established under regulation 4 of the Valuation Tribunal for Wales Regulations 2010(13).
23. A conservation board established under section 86 of the Countryside and Rights of Way Act 2000(14).

## PART 2

1. The Board of Governors of the Museum of London.
2. A body (other than a body listed in Part 1 of this Schedule) which is—
  - (a) a precepting authority within the meaning of section 69 of the Local Government Finance Act 1992(15) (interpretation),
  - (b) a levying body within the meaning of section 74 of the Local Government Finance Act 1988(16) (levies), or
  - (c) a body to which section 75 of that Act (special levies) applies.
3. A passenger transport executive.
4. An institution designated by an order under section 129 of the Education Reform Act 1988(17).
5. An entity connected with a local authority listed in paragraphs 1 to 5 of Part 1 of this Schedule where “connected with” has the same meaning as in section 212(6) of the Local Government and Public Involvement in Health Act 2007(18).
6. A company under the control of a body listed in paragraphs 6 to 23 of Part 1 of this Schedule where “under the control” has the same meaning as in section 68 or, as the case may be, 73 of the Local Government and Housing Act 1989(19) (except that any direction given by the Secretary of

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(7) 1995 c. 25.

(8) 1998 c. 31.

(9) 1996 c. 56.

(10) 2010 c. 32. Section 1 has been amended by the Education Act 2011 (c. 21).

(11) 1985 c. 68. Section 27 was substituted by SI 2003/940 and was subsequently amended by SI 2010/844. For the definition of “appropriate minister” see section 27(18).

(12) 2003 c. 26. Section 27 was amended by the Local Government and Public Involvement in Health Act 2007 (c.28).

(13) SI 2010/713 (W 69).

(14) 2000 c. 37. There are amendments to section 86 which are not relevant.

(15) 1992 c.14.

(16) 1988 c. 41.

(17) 1988 c. 40. Section 129 has been amended by the Further and Higher Education Act 1992 (c. 13); S.I. 2009/1941; and the Education Act 2011 (c. 21).

(18) 2007 c. 28. Section 212 was amended by the Police Reform and Social Responsibility Act 2011

(19) 1989 c. 42.

State must be disregarded, and any references to a local authority treated as references to such a body).

7. The Public Services Ombudsman for Wales.
8. The Serious Organised Crime Agency.
9. Transport for London.
10. The London Transport Users' Committee.
11. The Cultural Strategy Group for London.
12. The Children and Family Court Advisory and Support Service.
13. An urban development corporation.

### PART 3

1. The following bodies are admission bodies with whom an administering authority may make an admission agreement—

- (a) a body which provides a public service in the United Kingdom which operates otherwise than for the purposes of gain and has sufficient links with a Scheme employer for the body and the Scheme employer to be regarded as having a community of interest (whether because the operations of the body are dependent on the operations of the Scheme employer or otherwise);
- (b) a body, to the funds of which a Scheme employer contributes;
- (c) a body representative of—
  - (i) any Scheme employers, or
  - (ii) local authorities or officers of local authorities;
- (d) a body that is providing or will provide a service or assets in connection with the exercise of a function of a Scheme employer as a result of—
  - (i) the transfer of the service or assets by means of a contract or other arrangement,
  - (ii) a direction made under section 15 of the Local Government Act 1999<sup>(20)</sup> (Secretary of State's powers),
  - (iii) directions made under section 497A of the Education Act 1996<sup>(21)</sup>;
- (e) a body which provides a public service in the United Kingdom and is approved in writing by the Secretary of State for the purpose of admission to the Scheme.

2. An approval under paragraph 1(e) may be subject to such conditions as the Secretary of State thinks fit and the Secretary of State may withdraw an approval at any time if such conditions are not met.

3. The Scheme employer, if it is not also the administering authority, must be a party to the admission agreement with a body falling within the description in paragraph 1(d).

4. In the case of an admission body falling within the description in paragraph 1(b), where at the date of the admission agreement the contributions paid to the body by one or more Scheme employers equal in total 50% or less of the total amount it receives from all sources, the Scheme

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<sup>(20)</sup> 1999 c. 27; section 15 has been amended by the Local Government and Public Involvement in Health Act 2007 (c. 28) and the Local Government (Wales) Measure 2009.

<sup>(21)</sup> 1996 c. 56. Section 497A was inserted by the School Standards and Framework Act 1998 (c. 31) and has been amended by S.I. 2010/1158; the Education Act 2002 (c. 32); and the Apprenticeship, Skills, Children and Learning Act 2009 (c. 22).

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employer paying contributions (or, if more than one pays contributions, all of them) must guarantee the liability of the body to pay all amounts due from it under these Regulations.

**5.** If the admission body is exercising the functions of the Scheme employer in connection with more than one contract or other arrangement under paragraph 1(d)(i), the administering authority and the admission body shall enter into a separate admission agreement in respect of each contract or arrangement.

**6.** An admission agreement must require the admission body to carry out, to the satisfaction of the administering authority, and to the satisfaction of the Scheme employer in the case of a body falling within paragraph 1(d)(i), an assessment, taking account of actuarial advice, of the level of risk arising on premature termination of the provision of service or assets by reason of insolvency, winding up, or liquidation of the admission body.

**7.** Notwithstanding paragraph 6, and subject to paragraph 8, the admission agreement must further provide that where the level of risk identified by the assessment is such as to require it, the admission body shall enter into an indemnity or bond in a form approved by the administering authority with—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000<sup>(22)</sup> to accept deposits or to effect and carry out contracts of general insurance;
- (b) a firm in an EEA state of the kind mentioned in paragraph 5(b) and (d) of Schedule 3 to that Act<sup>(23)</sup>, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule)<sup>(24)</sup> to accept deposits or to effect and carry out contracts of general insurance; or
- (c) a person who does not require permission under that Act to accept deposits, by way of business, in the United Kingdom.

**8.** Where, for any reason, it is not desirable for an admission body to enter into an indemnity or bond, the admission agreement must provide that the admission body secures a guarantee in a form satisfactory to the administering authority from—

- (a) a person who funds the admission body in whole or in part;
- (b) in the case of an admission body falling within the description in paragraph 1(d), the Scheme employer referred to in that paragraph;
- (c) a person who—
  - (i) owns, or
  - (ii) controls the exercise of the functions of,
    - the admission body; or
- (d) the Secretary of State in the case of an admission body—
  - (i) which is established by or under any enactment, and
  - (ii) where that enactment enables the Secretary of State to make financial provision for that admission body.

**9.** An admission agreement must include—

- (a) provision for it to terminate if the admission body ceases to be such a body;
- (b) a requirement that the admission body notify the administering authority of any matter which may affect its participation in the Scheme;

<sup>(22)</sup> 2000 c.8.

<sup>(23)</sup> Paragraph 5(b) of Schedule 3 was amended by S.I. 2006/3221, and paragraph 5(d) of that Schedule was amended by S.I. 2004/3379.

<sup>(24)</sup> There are amendments to paragraphs 12 and 15 of the Schedule which are not relevant to these Regulations.

- (c) a requirement that the admission body notify the administering authority of any actual or proposed change in its status, including a take-over, reconstruction or amalgamation, insolvency, winding up, receivership or liquidation and a material change to the body's business or constitution;
- (d) a right for the administering authority to terminate the agreement in the event of—
  - (i) the insolvency, winding up or liquidation of the admission body,
  - (ii) a material breach by the admission body of any of its obligations under the admission agreement or these Regulations which has not been remedied within a reasonable time,
  - (iii) a failure by the admission body to pay any sums due to the fund within a reasonable period after receipt of a notice from the administering authority requiring it to do so.

**10.** An admission agreement must include a requirement that the admission body will not do anything to prejudice the status of the Scheme as a registered scheme.

**11.** When an administering authority makes an admission agreement it must make a copy of the agreement available for public inspection at its offices and must promptly inform the Secretary of State of—

- (a) the date the agreement takes effect;
- (b) the admission body's name; and
- (c) the name of any Scheme employer that is party to the agreement.

**12.** Where an admission body is such a body by virtue of paragraph 1(d), an admission agreement must include—

- (a) a requirement that only employees of the body who are employed in connection with the provision of the service or assets referred to in that sub-paragraph may be members of the Scheme;
- (b) details of the contract, other arrangement or direction by which the body met the requirements of that sub-paragraph;
- (c) a provision whereby the Scheme employer referred to in that sub-paragraph may set off against any payments due to the body, an amount equal to any overdue employer and employee contributions and other payments (including interest) due from the body under these Regulations;
- (d) a provision requiring the admission body to keep under assessment, to the satisfaction of the bodies mentioned in paragraph 6, the level of risk arising as a result of the matters mentioned in that paragraph;
- (e) a provision requiring copies of notifications due to the administering authority under paragraph 9(b) or (c) to be given to the Scheme employer referred to in that sub-paragraph; and
- (f) a provision requiring the Scheme employer referred to in that sub-paragraph to make a copy of the admission agreement available for public inspection at its offices.

**13.** Where an admission body of the description in paragraph 1(d) undertakes to meet the requirements of these Regulations, the appropriate administering authority must admit to the Scheme the eligible employees of that body.

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## PART 4

<i>Column 1: Person eligible for membership</i>	<i>Column 2: Body deemed to be Scheme employer</i>
An employee of the governing body of a voluntary school where a local authority has, with the consent of the governing body, designated that employee or a class of employees to which that person belongs as being eligible for membership	The local authority referred to in column 1
An employee of the governing body of a foundation school or foundation special school where a local authority has, with the consent of the governing body, designated that employee or a class of employees to which that person belongs as being eligible for membership	The local authority referred to in column 1
An employee of the governing body of a technical institute or other similar institution which is for the time being assisted by a local authority under the Education Act 1996 <sup>(25)</sup> where a local authority has, with the consent of the governing body, designated that employee or a class of employees to which that person belongs as being eligible for membership	The local authority referred to in column 1
An employee of the governing body of a federated school where a local authority has, with the consent of the governing body, designated that employee or a class of employees to which that person belongs as being eligible for membership	The local authority referred to in column 1
A person who was an active member of the 2008 Local Government Pension Scheme by virtue of regulation 8A of the Local Government Pension Scheme (Administration) Regulations 2008 <sup>(26)</sup> and who continues in the employment of the Commissioners for Her Majesty's Revenue and Customs.	The London Pension Fund Authority
A coroner	The authority which appointed the coroner
The Mayor of London	The Greater London Authority
A member of the London Assembly	The Greater London Authority
A police and crime commissioner	That police and crime commissioner
A Local Commissioner within the meaning of Part 3 of the Local Government Act 1974 <sup>(27)</sup>	The Commission for Local Administration in England

<sup>(25)</sup> 1996 c. 56.

<sup>(26)</sup> SI 2008/239. Regulation 8A was inserted by SI 2009/447.

<sup>(27)</sup> 1974 c. 7.

<i>Column 1: Person eligible for membership</i>	<i>Column 2: Body deemed to be Scheme employer</i>
A member of a passenger transport executive or a director of a subsidiary of a passenger transport executive, where the integrated transport authority for which the executive exercises its functions consents to the designation of that member or director as being eligible for membership	The passenger transport executive