
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales, amend the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, the Local Government Pension Scheme (Administration) Regulations 2008 (“the Administration Regulations”) and the Local Government Pension Scheme Regulations 2013 (“the 2013 Regulations”).

Section 12 of the Superannuation Act 1972 provides that regulations made under section 7 may have effect from a date earlier than the making of the Regulations.

Regulation 1 provides that the Regulations come into force on 10th February 2014 but makes provision for various provisions to have effect from different dates.

Regulation 3 adds to the categories of small payments authorised for commutation into lump sums.

Regulation 5 makes provision to permit the Housing Ombudsman, as a corporation sole, to be eligible for membership.

Regulation 6 clarifies the provisions relating to membership of the Scheme following the introduction of the employer duties for automatic enrolment and re-enrolment. In particular, affected eligible members with a contract of less than three months will have no barrier to automatic entry to the scheme.

Regulation 7 recasts regulation 38 of the Administration Regulations to make it clear that all employers in the Local Government Pension Scheme are subject to this Regulation. It sets out the action to be taken when an employer ceases to participate in the LGPS or, in the opinion of the administering authority, participation is likely to cease at some point, so that any unmet liabilities are addressed at that point.

The effect of Regulation 7 is to also revoke the provisions in Regulation 38(3A) to (3G) of the Administration Regulations relating to the liabilities of the former Housing Corporation. These provisions are no longer required following the restructuring of the Homes and Communities Agency and the closure of the Tenant Services Authority.

Regulations 8 to 10 carry through to the 2013 Regulations the amendments made by regulation 5 as regards the Housing Ombudsman.