
STATUTORY INSTRUMENTS

2018 No. 997

**The Police and Firefighters' Pensions
(Amendment) Regulations 2018**

PART 2

Police Pensions

CHAPTER 5

Payment of annual allowance charge

37.—(1) In regulation 222 (reduction of benefits where annual allowance charge paid by scheme manager)—

(a) for paragraph (1)(a), substitute—

“(a) a member gives a valid notice to the scheme manager—

(i) of joint and several liability to an annual allowance charge under section 237B of the FA 2004, or

(ii) of liability to an annual allowance charge in accordance with regulation 222A; and”;

(b) in paragraph (3), after sub-paragraph (a) insert—

“(aa) in the case to which paragraph (1)(a)(ii) applies, where the liability has arisen in relation to more than one police pension scheme, must be proportionate to the part of that liability which relates to this scheme; and”.

(2) After regulation 222 insert—

“Voluntary scheme pays arrangement

222A.—(1) A member may serve notice on the scheme manager requesting the scheme manager to discharge an annual allowance charge where the conditions in paragraph (2) are satisfied.

(2) The conditions mentioned in paragraph (1) are that—

(a) the scheme manager is not jointly liable under section 237B of the FA 2004 (liability of scheme administrator) in relation to the charge;

(b) the pension scheme input amount for a tax year for the member in relation to all police pension schemes of which the individual is a member, exceeds the annual allowance applicable to that member for that tax year; and

(c) the amount of the member's liability to an annual allowance charge for a tax year exceeds £1,000.

(3) The scheme manager may fix a date in relation to any tax year by which a notice under paragraph (1) must be given.

(4) Where the scheme manager satisfies a liability under paragraph (1), consequential adjustment must be made to the member's entitlement to benefits under this scheme on a basis that is just and reasonable having regard to normal actuarial practice.

(5) In this regulation—

“annual allowance” has the meaning given in section 228 (annual allowance) of FA 2004;

“annual allowance charge” has the meaning given in section 227 (annual allowance charge) of FA 2004;

“pension scheme input amount” has the same meaning as in section 237B(2) (liability of scheme administrator) of FA 2004;

“police pension schemes” means this scheme, the 1987 scheme or the 2006 scheme;

“tax year” means a period of one year which is a period of assessment for income tax purposes.”.