

2024 No. 880

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

**The Local Government Pension Scheme (Information) Regulations
2024**

<i>Made</i> - - - -	<i>27th August 2024</i>
<i>Laid before Parliament</i>	<i>28th August 2024</i>
<i>Coming into force</i> - -	<i>23rd September 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1) and 3(1) to (3) of, and paragraph 12 of Schedule 3 to, the Public Service Pensions Act 2013 (“the 2013 Act”)(**a**), and section 81(1), (6) and (7) of the Public Service Pensions and Judicial Offices Act 2022(**b**).

In accordance with section 21(1) of the 2013 Act, the Secretary of State has consulted such persons and the representatives of such persons as appeared to the Secretary of State to be likely to be affected by these Regulations.

In accordance with section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

Citation, commencement, application, extent and interpretation

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Information) Regulations 2024.

(2) These Regulations come into force on 23rd September 2024 and have effect from 1st October 2023.

(3) These Regulations extend to England and Wales.

(4) In these Regulations—

“the 2013 Regulations” means the Local Government Pension Scheme Regulations 2013(**c**);

“the 2014 Regulations” means the Local Government Pension Scheme (Transitional Provisions, Savings and Amendments) Regulations 2014(**d**).

(a) 2013 c. 25. Section 3 and paragraph 12 of Schedule 3 were amended by sections 94 and 100 of the Public Service Pensions and Judicial Offices Act 2022 (c. 7) respectively. See section 2 of and Schedule 2 to the 2013 Act as to how the power is exercisable by the Secretary of State.

(b) 2022 c. 7.

(c) S.I. 2013/2356, amended by S.I. 2023/972; there are other amendments not relevant to these Regulations.

(d) S.I. 2014/525, amended by S.I. 2023/972; there are other amendments not relevant to these Regulations.

Modification in respect of certain annual benefit statements relating to eligible members

2.—(1) This regulation applies in respect of any person who is—

- (a) either—
 - (i) an “eligible member” under regulation 4A(2)(a) of the 2014 Regulations (statutory underpin: general); or
 - (ii) a “pension credit member” under regulation 8(1) of the 2013 Regulations (pension credit and survivor members) whose pension derives from the pension of such an eligible member; and
- (b) not a person to whom paragraph (4)(a) applies.

(2) Where this regulation applies, the provisions listed in paragraph (3) are not to be taken into account for the purposes of preparing an annual benefit statement under regulation 89 of the 2013 Regulations in respect of a Scheme year(b) ending on or before 31st March 2024.

(3) The provisions referred to in paragraph (2) are—

- (a) Chapter 3 of Part 1 of the Public Service Pensions and Judicial Offices Act 2022 (local government schemes);
- (b) all provisions of the Local Government Pension Scheme (Amendment) (No. 3) Regulations 2023(c) apart from regulation 2(3) (including any amendments made by regulations 2(1), (2), (4) to (6) or 3 of those Regulations to the 2014 Regulations(d) or the 2013 Regulations respectively(e)).

(4) An administering authority may determine(f) that—

- (a) this regulation does not apply to a member or class of members, or
- (b) paragraph (2) applies to a member or class of members as if for “31st March 2024” there were substituted “31st March 2025”.

(5) A determination under paragraph (4)(a)—

- (a) may be made at any point before 1st April 2025; and
- (b) has effect from 1st October 2023.

(6) A determination under paragraph (4)(b)—

- (a) may be made at any point before 31st August 2025;
- (b) may only be made if the administering authority considers that it is reasonable in all the circumstances in the case of that particular member or class of members; and
- (c) must be notified to any member to which it applies in the annual benefit statement in respect of the Scheme year ending on 31st March 2025.

(7) In this regulation, “administering authority” has the same meaning as in Schedule 1 to the 2013 Regulations.

(a) Regulation 4A was inserted by S.I. 2023/972.

(b) For the definition of “Scheme year” see Schedule 1 to the 2013 Regulations.

(c) S.I. 2023/972.

(d) Regulation 2(2) amended regulation 1 of the 2014 Regulations by amending paragraph (6) and inserting new paragraphs (7) and (8). Regulation 2(4) amended the 2014 Regulations by inserting new regulations 4A to 4V. Regulation 2(5) amended regulation 9 of the 2014 regulations by amending paragraph (1), inserting new paragraphs (1ZA) and (1ZB), and omitting paragraph (1A). Regulation 2(6) amended regulation 24 of the 2014 regulations by omitting paragraph (4)(a).

(e) Regulation 3 amended the 2013 Regulations by inserting new regulations 28(2A), 30(12B), 34(2A) and (4), 43(3B), 47(8), 48(10B), 62(2A), 64(2ZAA), 81(A1), 96(1B) and (4), 98(8) and 99(2A) and by amending regulations 41(4)(a), 42(4)(a), (5)(a), (9)(a) and (10)(a), 43(2), 44(4) and 45(4), (5), (9) and (10) and Schedule 1.

(f) Section 3(3)(c) of the Public Service Pensions Act 2013 (c. 25), which enables these Regulations to allow any person to exercise a discretion, provides the power for these Regulations to allow an administering authority to make a determination.

We consent to the making of these Regulations

Nicholas Dakin

Vicky Foxcroft

Two of the Lords Commissioners of His Majesty's Treasury

Signed by authority of the Secretary of State for Housing, Communities, and Local Government

Matthew Pennycook

Minister of State for Housing and Planning

27th August 2024

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement changes relating to the Local Government Pension Scheme (“the LGPS”). They do so by modifying certain statutory provisions contained in or made under the Public Service Pensions and Judicial Offices Act 2022 (c. 7), which made changes to the transitional protections for certain persons who were members of previous versions of the LGPS to address unlawful age discrimination of the sort identified in the case of *McCloud v Lord Chancellor* [2018] EWCA Civ 2844 (“the *McCloud* remedy”).

Regulation 2 makes provision about the *McCloud* remedy in the context of the annual benefit statements (“ABSs”) that administering authorities are required to issue to their active and deferred members every year under regulation 89 of the Local Government Pension Scheme Regulations 2013. Regulation 2(2) and (3) provide that, where this regulation applies, provisions of the Public Service Pensions and Judicial Offices Act 2022 and the Local Government Pension Scheme (Amendment) (No. 3) Regulations 2023 are disapplied for the purposes of preparing ABSs for the scheme year 2023/24, meaning that the administering authority would not be required to include estimates relating to the *McCloud* remedy in that ABS. This provision has retrospective effect to 1 October 2023, meaning that it will apply in respect of any ABSs that have been issued between that date and these Regulations coming into force. However, regulation 2(4)(a) and (5) enable administering authorities to determine that this should not apply in respect of a member or class of members. Regulation 2(4)(b) and (6) also allow administering authorities to determine that this regulation should be extended, in respect of a member or class of members, to ABSs for the scheme year 2024/25.

No impact assessment has been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.

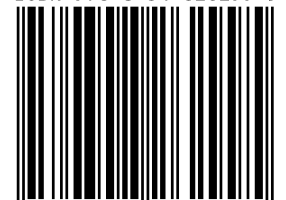
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