
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out provisions relating to benefits, membership and contributions in the new Local Government Pension Scheme (“the Scheme”) which will come into operation on 1st April 2009 and replace the Local Government Pension Scheme 2002 (“the 2002 Scheme”).

Regulation 1 contains the name of these Regulations, the operational date and definitions of terms used throughout these Regulations.

Regulation 2 sets out who is a member of the Scheme: broadly speaking, this is anyone who is, or could have been had it continued in existence, a member of the 2002 Scheme.

Regulation 3 contains a table of rates of contributions on pensionable pay, and makes provisions for part-time and term-time workers.

Regulation 4 defines pensionable pay.

Regulation 5 provides for a minimum membership of 3 months for entitlement to benefits in most cases.

Regulations 6 and 7 define how the length of membership is calculated.

Regulations 8 to 11 provide for the calculation of final pay.

Regulations 12 and 13 respectively provide power for employing authorities to increase membership and award additional pension.

Regulations 14 and 15 respectively provide for additional regular contributions (ARCs) and for additional voluntary contributions (AVCs).

Regulation 16 provides for the normal retirement age (65), regulation 17 for retirement after this age and regulation 18 for flexible retirement.

Regulation 19 makes provision relating to business efficiency and redundancy.

Regulation 20 makes provision relating to ill-health retirement.

Regulation 21 provides for commutation of pension and regulation 22 places a limit on the total amount of benefits.

Regulations 23, 24 and 28 (active members), 32, 33 and 34 (deferred members) and 35, 36 and 37 (pensioner members) provide for death grants, survivor benefits and children’s pension for the respective classes of member. Regulation 25 contains a definition of “nominated cohabiting partner” and regulation 26 of “eligible child” for these purposes. Regulation 27 makes further provision about children’s pensions.

Regulations 29 to 31 make provision relating to early payment of pension.

Regulation 38 provides for the payment of increases under the Pensions (Increase) Act 1971, regulation 39 for commutation of small pensions and regulation 40 requires the Northern Ireland Local Government Officers’ Superannuation Committee and employing authorities to have regard to guidance issued by the Department of the Environment about the future costs of the Scheme.

Regulation 41 deals with pension debits.

Regulation 42 prevents double entitlement.

A regulatory impact assessment was published alongside the Local Government Pension Scheme (Benefits, Contributions and Membership) Regulations 2007 ([SI 2007/1166](#)) which assesses the

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cost implications on employers within the Local Government Pension Scheme who are businesses, charities and voluntary organisations in England and Wales. The regulatory impact assessment can be viewed at www.communities.gov.uk/lgps. A separate regulatory impact assessment has not been produced for these Regulations.