

SCHEDULE

SCHEDULE TO BE ADDED TO THE LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND) REGULATIONS 1998

“SCHEDULE 2A

Regulation 4(6)(d)

MATTERS TO BE INCLUDED IN AN ADMISSION AGREEMENT IN CERTAIN CASES

A reference to the date of the relevant arrangement.

A requirement for the transferee admission body to pay to the administering authority all contributions and payments due under the Regulations.

A provision whereby the transferor Scheme employer may set off against any payments due to the transferee admission body an amount equal to any overdue employer and employee contributions and other payments (and interest payable under the Regulations) due from the transferee admission body as an employing authority.

A reference to the indemnity or bond in the approved form.

A warranty from the transferee admission body that such an indemnity or bond is in place.

A provision requiring the transferee admission body to adopt the practices and procedures relating to the operation of the Scheme set out in the Regulations and in any employer’s guide published by the administering authority and provided to the transferee admission body.

An undertaking from the transferee admission body to the administering authority that it shall not do anything to prejudice the status of the Scheme as an exempt approved scheme within the meaning given by section 592(1) of the Taxes Act(1).

A representation and warranty from the transferee admission body to the administering authority and to the transferor Scheme employer that all the transferee admission body’s employees or class of employees who are specified as members are employed in connection with the services, assets or function referred to in the relevant arrangement.

An undertaking from the transferee admission body that it will promptly notify the administering authority and the transferor Scheme employer in writing of any material change in the terms and conditions of employment which affect entitlement to benefits under the Scheme for its employees who are members and of any terminations of employment by virtue of redundancy or in the interests of efficiency.

A requirement that the transferee admission body notifies the administering authority and the transferor Scheme employer of each occasion on which it exercises a discretion under the Regulations and the manner in which it exercises that discretion.

A requirement that the transferee admission body notifies the administering authority and the transferor Scheme employer of any matter which may affect, or is likely to affect, its participation in the Scheme and that it gives immediate notice of any actual or proposed change in its status which may give rise to a termination, including take-over, reconstruction or amalgamation, liquidation or receivership and a change in the nature of its business or constitution.

A minimum period of three months notice to terminate the admission agreement but automatic termination, as required by regulation 4(8) of the Regulations, in the event that the transferee admission body ceases to be such.

A right for the administering authority to terminate the agreement in the event of—
the insolvency, winding up or liquidation of the transferee admission body;

(1) 1998 c. 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

a breach by the transferee admission body of any of its obligations under the admission agreement (but where the breach is capable of remedy only where it has not been remedied within a reasonable time);

the withdrawal of approval by the Commissioners of Inland Revenue to the participation of the transferee admission body as a Scheme employer; or

a failure by the transferee 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.

A requirement that the admission agreement in its final form shall be available for public inspection at the appropriate offices of the transferor Scheme employer and the administering authority (if different).”