

2005 No. 3199

PENSIONS, ENGLAND AND WALES

**The Local Government Pension Scheme (Amendment) (No. 2)
Regulations 2005**

<i>Made</i> - - - -	<i>15th November 2005</i>
<i>Laid before Parliament</i>	<i>23rd November 2005</i>
<i>Coming into force</i> - -	<i>14th December 2005</i>

These Regulations are made in exercise of the powers conferred by sections 7, 12 and 24 of the Superannuation Act 1972(a).

In accordance with section 7(5) of that Act, the First Secretary of State has consulted (a) such associations of local authorities as appeared to him to be concerned; (b) the local authorities with whom consultation appeared to him to be desirable; and (c) such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate.

The First Secretary of State makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2005.

(2) These Regulations shall come into force on 14th December 2005.

(3) These Regulations extend to England and Wales(b).

The Local Government Pension Scheme Regulations 1997

2. The Local Government Pension Scheme Regulations 1997(c) shall be amended in accordance with regulations 3 and 4.

Governance policy statement

3. After regulation 73 (the pension funds) insert—

(a) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
(b) The Secretary of State's functions under sections 7 and 12 of the Superannuation Act 1972 in so far as they were exercisable in relation to Scotland were devolved to Scottish Ministers by section 63 of the Scotland Act 1998 (1998 c. 46) and article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc) Order 1999 (S.I. 1999/1750).
(c) S.I.1997/1612; the relevant amending instruments are S.I. 1998/1238 and 2004/573.

“Governance policy statement

73A.—(1) An administering authority must, after consultation with such persons as they consider appropriate, prepare, maintain and publish a written statement setting out—

- (a) whether the administering authority delegate their function or part of their function in relation to maintaining a pension fund to a committee, a sub-committee or an officer of the administering authority; and
- (b) if they delegate that function or part of that function to a committee, sub-committee or an officer of the administering authority—
 - (i) the frequency of any committee or sub-committee meetings;
 - (ii) the terms of reference, structure and operational procedures of the delegation; and
 - (iii) whether the committee or sub-committee includes representatives of employing authorities (including non-Scheme employers) or members, and if so, whether those representatives have voting rights.

(2) The first such statement must be published on or before 1st April 2006.

(3) The statement must be revised and published by the administering authority following a material change in their policy on any of the matters referred to in paragraph (1).”

Statements of policy concerning communications with members and employing authorities (including non-Scheme employers)

4. After regulation 106A (annual benefit statements)(a), insert—

“Statements of policy concerning communications with members and employing authorities (including non-Scheme employers)

106B.—(1) An administering authority must prepare, maintain and publish a written statement setting out their policy concerning communications with—

- (a) members;
- (b) representatives of members;
- (c) prospective members; and
- (d) employing authorities.

(2) In particular, the statement must set out their policy on—

- (a) the provision of information and publicity about the Scheme to members, representatives of members and employing authorities;
- (b) the format, frequency and method of distributing such information or publicity; and
- (c) the promotion of the Scheme to prospective members and their employing authorities.

(3) The first such statement must be published on or before 1st April 2006.

(4) The statement must be revised and published by the administering authority following a material change in their policy on any of the matters referred to in paragraph (2).

(5) References in paragraphs (1) and (2) to employing authorities include references to non-Scheme employers.”

(a) Regulation 106A was inserted by S.I. 2004/573.

Signed by authority of the First Secretary of State

15th November 2005

Phil Woolas
Minister of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Pension Scheme Regulations 1997.

These Regulations extend to England and Wales.

The changes to the 1997 Regulations are as follows—

Regulation 3 inserts a new provision, regulation 73A, requiring each administering authority to prepare, maintain and publish a governance policy statement as to whether they delegate their function or part of their function in relation to maintaining a pension fund to a committee, sub-committee or an officer. If they delegate to a committee, sub-committee or an officer, the statement must record—

- (a) the frequency of any committee or sub-committee meetings;
- (b) the delegate or delegation's terms of reference, structure and operational procedures; and
- (c) whether the committee or sub-committee includes representatives of employing authorities or members, and if so, whether those representatives have voting rights.

The statement must be revised and published following any material change to the administering authority's policy on any of those matters set out above. Administering authorities must publish the first statements by 1st April 2006.

Regulation 4 inserts a new provision, regulation 106B, requiring each administering authority to prepare, maintain and publish a statement concerning their policy on communicating with members, members' representatives, prospective members and employing authorities. Administering authorities must publish the first statements by 1st April 2006 which must, in particular, set out their policy on—

- (a) the provision of information and publicity about the Scheme to members, representatives of members and employing authorities;
- (b) the format, frequency and method of distributing such information or publicity; and
- (c) the promotion of the Scheme to prospective members and their employing authorities.

The statement must be revised and published following any material change to the authority's policy on any of those matters set out above.

A full Regulatory Impact Assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies; neither does it have significant financial impact on any public bodies.

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