
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Pension Scheme (Administration) Regulations 2008 (“the Administration Regulations”). Regulations 3 and 4 apply to England and Wales, but regulations 5 to 7 apply in relation to England only, as they make provision in consequence of local government reorganisation in England under Part 1 of the Local Government and Public Involvement in Health Act 2007 (c.28).

Regulation 4 has effect from 1st April 2008 and regulation 3 has effect from 28th June 2008. Section 12 of the Superannuation Act 1972 provides that regulations made under section 7 of that Act may have effect as from a date earlier than the making of the regulations. The remainder of the regulations have effect from 1st April 2009.

Regulation 2 introduces the amendments set out in regulations 3 to 7.

Regulation 3 disapplies regulation 16(6) of the Administration Regulations so that where a person transfers employment either by way of a TUPE transfer, or by way of a transfer which is treated as if TUPE applies, that person’s membership of the Local Government Pension Scheme is treated as if it were continuous.

Regulation 4 inserts a definition into Schedule 1 to the Administration Regulations.

Regulations 5 to 7 amend Schedule 4 to the Administration Regulations. Regulation 6 amends paragraph 7 of the Table in Schedule 4 by the addition of sub-paragraph (c) which identifies by reference to the Table in the new Part 2 of the Schedule, the respective employing and administering authorities for the appropriate fund, following local government reorganisation.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.