

CYNGOR SIR POWYS COUNTY COUNCIL**Powys Pension Board
5th March 2019****REPORT BY: Board Secretary****SUBJECT: LGPS (Miscellaneous Amendment) regulations 2018**

REPORT FOR: Information

1. Introduction

On 4 October 2018, the Ministry of Housing, Communities and Local Government (MHCLG) opened a consultation on proposed amendments to the LGPS. The consultation closed on 29 November 2018. A copy of all the consultation papers (including the Government response published in December 2018) can be found under the scheme consultations page of www.lgpsregs.org. On 18 December 2018, the LGPS (Miscellaneous Amendment) 2018 Regulations were laid before parliament.

2. Detail

2.1 The regulations come into force on 10 January 2019 but the provisions listed in regulation 1(2)(a), 1(2)(b)(i) and 1(2)(b)(ii) have effect from 17 April 2018, 5 December 2005 and 13 March 2014 respectively. The regulations amend the LGPS 2013 Regulations and the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, by:

- introducing a general power for the Secretary of State to issue statutory guidance
- making a technical amendment to allow early access to benefits between the age of 55 and NRD (as defined by the LGPS Regulations 19953), for deferred members who left before 1 April 1998
- addressing the Walker v Innospec judgment by replicating the pensions of a surviving civil partner's pension and a surviving spouse of a same sex marriage, to those paid to a widow.

3. Actions required by the Administering Authority

3.1 There are actions that LGPS administering authorities must take as a result of these changes. A summary of the required actions is provided below;

- note and make any necessary changes to procedures / documentation to reflect that from 17 April 2018 deferred members who left the Scheme before 1 April 1998:
 - must now make a written election for early payment to the administering authority, instead of their former employer.
 - no longer have to have left all local government employment in order to receive early payment of their benefits under regulation D11(2)(d) of the LGPS Regulations 19953 i.e. election for early payment
- revisit calculations of pensions paid to surviving civil partners and same sex spouses and pay any additional amounts due. Await statutory guidance with regard to any further adjustments that may be due. MHCLG have confirmed they will issue statutory guidance to assist administering authorities in this exercise.

4. Disclosure Requirements

- 4.1 LGPS administering authorities will need to communicate the changes to scheme members, as required under regulation 8 and Part 1 of Schedule 2 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013. Communication of the changes should take place as soon as possible, and in any event, within three months of the date of change (i.e. by 10 April 2019).
- 4.2 The Powys Pension Fund is currently working on the appropriate communications and will issue it as soon as possible and ahead of the 10th April deadline.

5. Recommendation

Board are asked to note the contents of this report.