



# **Dyfed Pension Fund**

The Discretionary Policy Statement  
formulated by the Dyfed Pension Fund  
in accordance with the  
Local Government Pension Scheme  
(LGPS) regulations.

October 2018

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# Administering Authority Discretions

## Local Government Pension Scheme Regulations 2013

### Regulation 4(2)(b)

Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission.

#### Policy adopted:

Each application will be considered on its individual merits.

### Regulation 3(1A)(5) & Schedule 2, Part 3, Paragraph 1

Whether to agree to an admission agreement with a body applying to be an admission body.

#### Policy adopted:

Each application will be considered on its individual merits.

### Schedule 2, Part 3, Paragraph 14

Whether to agree that an admission agreement may take effect on a date before the date on which it is executed.

#### Policy adopted:

Each application will be considered on its individual merits.

### Schedule 2, Part 3, Paragraph 9(d)

Whether to terminate an admission agreement in the event of:

- Insolvency, winding up or liquidation of the body.
- Breach by that body of its obligations under the admission agreement.
- Failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so.

#### Policy adopted:

The administering authority will exercise its discretion and terminate the admission agreement where such circumstances arise.

### **Schedule 2, Part 3, Paragraph 12(a)**

Define what is meant by 'employed in connection with'.

#### **Policy adopted:**

This is defined as ONLY employees who are employees of the body who are transferred and employed in the provision of the service and listed in the admission agreement.

### **Regulation 16(1)**

Whether to turn down a request to pay an APC/SCAPC over a period of time where it would be impractical to allow such a request (e.g. where the sum being paid is very small and could be paid as a single payment).

#### **Policy adopted:**

The administering authority will consider each case on its own merits; however, will generally exercise this discretion when the cost to administer such payments exceeds the overall sum to be paid.

### **Regulation 16(10)**

Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC.

#### **Policy adopted:**

The administering authority will exercise this discretion requiring all scheme members electing to enter additional pension contracts to undergo a medical examination by the appointed Independent Registered Medical Practitioner (IRMP) only if the member has elected to make contributions over a period of time. A medical examination will not be required for single lump sum payments.

### **Regulation 16(10)**

Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health.

#### **Policy adopted:**

The administering authority resolves to turn down an application to pay an APC/SCAPC if it is not satisfied that the member is in reasonably good health.

### **Regulation 17(12)**

Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member.

#### **Policy adopted:**

The administering authority resolves to pay any AVC monies under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation 22(3)(c)**

Pension account may be kept in such form as is considered appropriate.

#### **Policy adopted:**

Pension accounts will be kept in accordance with the LGPS regulations.

### **Regulation 30(8)**

Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority may use its discretion to determine not to apply all or part of this reduction. However, this discretion will only be used where there is a robust business case justifying the cost.

### **Regulation 30(8)**

Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31 March 2014 membership).

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority may use its discretion to determine not to apply all or part of this reduction. However, this discretion will only be used where there is a robust business case justifying the cost.

### **Regulation 32(7)**

Whether to extend the time limits within which a member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion.

### **Regulation 34(1)(a)**

Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004 (includes pension credit members where the effective date of the Pension Sharing Order is after 31 March 2014 and the debited member had some post 31 March 2014 membership of the 2014 Scheme).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 34 to commute small pensions up to the maximum prescribed.

### **Regulation 34(1)(b)**

Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 34 to commute small pensions up to the maximum prescribed.

### **Regulation 34(1)(c)**

Decide whether to pay a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and includes pension credit members where the effective date of the Pension Sharing Order is after 31 March 2014 and the debited member had some post 31 March 2014 membership of the 2014 Scheme).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 34 to commute small pensions up to the maximum prescribed.

### **Regulation 36(3)**

Approve medical advisors used by employers (for ill health benefits).

#### **Policy adopted:**

The administering authority has approved the independent occupational health physicians appointed by the Scheme Employers, who hold the highest qualification requirements as set by Regulation.

### **Regulation 38(3)**

Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner.

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority will determine eligibility in accordance with the LGPS regulations and medical advice.

### **Regulation 38(6)**

Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health.

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority will determine eligibility in accordance with the LGPS regulations and medical advice.

### **Regulation 40(2), 43(2) & 46(2)**

Decide to whom death grant is paid.

#### **Policy adopted:**

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation 49(1)(c)**

Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership.

#### **Policy adopted:**

The administering authority resolves that it shall pay the member (or their beneficiaries) the highest value benefit.

### **Regulation 54(1)**

Whether to set up a separate admission agreement fund.

#### **Policy adopted:**

The administering authority resolves not to exercise this discretion.



### **Regulation 54(4)(b)**

Determine assets to be transferred from main fund to admission agreement fund.

#### **Policy adopted:**

The administering authority resolves not to exercise this discretion.

### **Regulation 55: Governance Compliance Statement**

Governance policy must state whether the admin authority delegates 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 admin authority and, if they do so delegate, state:

- the frequency of any committee or sub-committee meetings.
- the terms, structure and operational procedures appertaining to the delegation.
- whether representatives of employing authorities or members are included and, if so, whether they have voting rights.

The policy must also state:

- the extent to which a delegation, or the absence of a delegation, complies with Sec of State guidance and, to the extent it does not so comply, state the reasons for not complying; and
- the terms, structure and operational procedures appertaining to the local Pensions Board.

#### **Policy adopted:**

See the Fund's Governance Compliance Statement.

### **Regulation 58**

Decide on Funding Strategy for inclusion in funding strategy statement.

#### **Policy adopted:**

See the Fund's Funding Strategy Statement.

### **Regulation 59(1) & (2)**

Whether to have a written pensions administration strategy and, if so, the matters it should include.

#### **Policy adopted:**

See the Fund's Pensions Administration Strategy.

### **Regulation 61**

Communication policy must set out the policy on provision of information and publicity to, and communicating with, members, representatives of members, prospective members and Scheme employers; the format, frequency and method of communications; and the promotion of the Scheme to prospective members and their employers.

#### **Policy adopted:**

See the Fund's Communication Policy Statement.

### **Regulation 64(2ZA)**

Whether to extend the period beyond 3 months from the date an Employer ceases to be a Scheme Employer, by which to pay an exit credit.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion in appropriate circumstances.

### **Regulation 64(2A)**

Whether to suspend (by way of issuing a suspension notice), for up to 3 years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion in appropriate circumstances.

#### **Regulation 64(4)**

Whether to obtain revision of Employer's contribution rate if there are circumstances which make it likely a Scheme Employer will become an exiting Employer.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion in all such cases.

#### **Regulation 68(2)**

Whether to require any strain on Fund costs to be paid "up front" by employing authority following payment of benefits under Regulation 30(6) (flexible retirement), Regulation 30(7) (redundancy / business efficiency), or the waiver (in whole or in part) under Regulation 30(8) of any actuarial reduction that would otherwise have been applied to benefits which a member voluntarily draws before normal pension age or to benefits drawn on flexible retirement.

#### **Policy adopted:**

The administering authority resolves that it will require Employers to pay in full the cost of pension strain arising from early retirements, within a period not normally exceeding three years.

#### **Regulation 69(1)**

Decide frequency of payments to be made over to Fund by Employers and whether to make an admin charge.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion.

#### **Regulation 69(4)**

Decide form and frequency of information to accompany payments to the Fund.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion.

### **Regulation 70**

Whether to issue Employer with notice to recover additional costs incurred because of the Employer's level of performance.

#### **Policy adopted:**

The administering authority resolves to consider each case on its merits, with any decision on costs being delegated to the Director of Corporate Services.

### **Regulation 71(1)**

Whether to charge interest on payments by Employers which are overdue.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion to charge interest at the rate of 1% above base, compounded quarterly, in respect of the late receipt of pension contributions and combined benefit payments.

### **Regulation 74(4)**

Whether to extend six-month period to lodge a stage one IDR appeal.

#### **Policy adopted:**

Extensions only in exceptional circumstances.

### **Regulation 74(6)**

Decide procedure to be followed by adjudicator when exercising stage one IDR functions and decide the way those functions are to be exercised.

#### **Policy adopted:**

The adjudicator will determine the procedure to be followed.

### **Regulation 76(4)**

Decide procedure to be followed by admin authority when exercising its stage two IDR functions and decide the way those functions are to be exercised.

#### **Policy adopted:**

The administering authority has resolved that Stage 2 IDR functions be carried out by the Head of Administration and Law.

### **Regulation 79(2)**

Whether the administering authority should appeal against Employer decision (or lack of a decision).

#### **Policy adopted:**

The administering authority resolves to consider each case on its individual merits.

### **Regulation 80(1)(b)**

Specify information to be supplied by Employers to enable administering authority to discharge its functions.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion through negotiation and agreement with each individual Employer.

### **Regulation 82(2)**

Whether to pay the whole or part of the amount that is due to the personnel representatives (including anything due to the deceased member at the date of death) to:

- the personal representatives, or
- anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965.

#### **Policy adopted:**

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation 83**

Whether, where a person is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.

#### **Policy adopted:**

The administering authority resolves to consider each case on its individual merits.

### **Regulation 98(1)(b)**

Agree to bulk transfer payment.

#### **Policy adopted:**

The administering authority resolves to exercise its discretion and will consider each case on its merits.

### **Regulation 100(6)**

Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.

#### **Policy adopted:**

Extensions only to be allowed in exceptional circumstances.

### **Regulation 100(7)**

Allow transfer of pension rights into the Fund.

#### **Policy adopted:**

The administering authority resolves to consider each case on its individual merits.

### **Regulation 105(2)**

Decide whether to delegate any administering authority functions under the Regulations.

#### **Policy adopted:**

See the Fund's Governance Compliance Statement.

### **Regulation 106(3)**

Decide whether to establish a joint local pension board (if approval has been granted by the Secretary of State).

#### **Policy adopted:**

Not applicable.

### **Regulation 106(6)**

Decide procedures applicable to the local pension board.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion.

### **Regulation 107(1)**

Decide appointment procedures, terms of appointment and membership of local pension board.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion.

### **Schedule 1**

Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Schedule 1 and will consider each case on its merits.

### **Schedule 1**

Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.

#### **Policy adopted:**

The administering authority, upon the death of the member, will request evidence, as defined in the regulations.

## **Local Government Pension Scheme Regulations (Transitional Provisions, Savings & Amendment) Regulations 2014**

### **Regulation 10(9)**

Where there are multiple ongoing employments, in the absence of an election from the member within 12 months of ceasing a concurrent employment, decide to which record the benefits from the ceased concurrent employment should be aggregated.

### **Policy adopted:**

The administering authority resolves that it will aggregate the ceased concurrent employment with the ongoing employment which will be in the best interests of the member.

### **Schedule 2, Paragraph 1(2) & 1(1)(C)**

Whether to 'switch on' the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).

### **Policy adopted:**

Where the Employer has become defunct, the administering authority will consider each case on its own merits and may only agree where there is a robust business case justifying the cost.



### **Regulation 3(1) & Schedule 2, Paragraph 2(1)**

Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1 April 2014 and post 31 March 2014 membership):

- a) on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was not in the Scheme before 1 October 2006;
- b) on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 1 April 2016 and 31 March 2020 inclusive;
- c) on compassionate grounds (pre 1 April 2016 membership) and / or, in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 1 October 2006 and will be 60 by 31 March 2016;
- d) on compassionate grounds (pre 1 April 2020 membership) and / or, in whole or in part on any grounds (post 31 March 2020 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 1 April 2016 and 31 March 2020 inclusive.

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority may use its discretion to determine not to apply all or part of this reduction. However, this discretion will only be used where there is a robust business case justifying the cost.

### **Schedule 2, Paragraph 2(3)**

Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority “switches on” the 85 year rule for a member voluntarily retiring (other than flexible retirement) prior to age 60, or waives an actuarial reduction on compassionate grounds under Schedule 2, paragraph 2(1).

#### **Policy adopted:**

The administering authority resolves that it will require Employers to pay in full the cost of pension strain arising from early retirements, within a period not normally exceeding three years.

### **Regulation 12(6)**

Whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme.

#### **Policy adopted:**

The administering authority will exercise its discretion where the Employer has become defunct.

### **Regulation 17(5) to (8)**

Decide to whom death grant is paid.

#### **Policy adopted:**

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation 22(2)**

Whether to issue Employer with notice to recover additional costs incurred because of the Employer's level of performance.

#### **Policy adopted:**

The administering authority resolves to consider each case on its merits, with any decision on costs being delegated to the Director of Corporate Services.

### **Regulation 22(1) & 23**

Specify information to be supplied by Employers to enable administering authority to discharge its functions.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion through negotiation and agreement with each individual Employer.

**Regulation 3(6), 4(6)(c), 8(4), 10(2)(a) & 17(2)(b)**

Where member to whom Regulation 10 under the BMC 2007 Regulations applies (use of average of 3 years pay for final pay) dies before making an election, whether to make that election on behalf of the deceased member.

**Policy adopted:**

The administering authority will exercise its discretion on behalf of the deceased member.

**Regulation 3(6), 4(6)(c), 8(4), 10(2)(a) & 17 (2)(b)**

Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1 April 2008).

**Policy adopted:**

The administering authority will exercise its discretion on behalf of the deceased member.

**Regulation 17(9)(a)**

Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break.

**Policy adopted:**

The administering authority resolves to exercise the discretion available under Schedule 1 and will consider each case on its merits.

**Regulation 17(9)(b)**

Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.

**Policy adopted:**

The administering authority, upon the death of the member, will request evidence, as defined in the regulations.

### **Regulation 3(13)**

Decide policy on abatement of pensions following re-employment.

#### **Policy adopted:**

The administering authority had resolved not to apply abatement from 1 October 2006. However, because of amending legislation, abatement reviews will be reintroduced where termination arises because of a Tier 1 or Tier 2 ill health retirement.

### **Regulation 15(1)(c)**

Extend time period for capitalisation of added years contract where the member leaves his employment by reason of redundancy.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion to deem elections for the capitalisation of added years contracts to have been made at the date of retirement, where it is in the interest of the member concerned.

### **Regulation 23**

Whether to extend six-month period to lodge a stage one IDRPs appeal.

#### **Policy adopted:**

The administering authority will allow extensions only in exceptional circumstances.

### **Regulation 23**

Decide procedure to be followed by adjudicator when exercising stage one IDRPs functions and decide the way those functions are to be exercised.

#### **Policy adopted:**

The adjudicator will determine the procedure to be followed.

### **Regulation 23**

Decide procedure to be followed by administering authority when exercising its stage two IDRPs functions and decide the way those functions are to be exercised.

#### **Policy adopted:**

The administering authority has resolved that Stage 2 IDRPs functions be carried out by the Head of Administration and Law.

### **Regulation 23**

Whether administering authority should appeal against employer decision (or lack of a decision).

#### **Policy adopted:**

The administering authority resolves to consider each case on its individual merits.

## **Local Government Pension Scheme Regulations (Benefits, Membership & Contributions) Regulations 2007 (as amended)**

### **Regulation 10(2)**

Where member to whom Regulation 10 under the Benefits, Membership & Contributions Regulations 2007 applies (use of average of 3 years pay within the period of 13 years ending with the last day of active membership for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member.

### **Policy adopted:**

The administering authority will exercise its discretion on behalf of the deceased member.

### **Regulation 27(5)**

Whether to pay the whole or part of a child's pension to another person for the benefit of that child.

### **Policy adopted:**

The administering authority resolves to exercise its discretion and will consider each case on its merits.

### **Regulation 30(5)**

Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under Regulation 30 of the Benefits, Membership & Contributions Regulations 2007 (member).

### **Policy adopted:**

Where the Employer has become defunct, the administering authority may use its discretion to determine not to apply all or part of this reduction. However, this discretion will only be used where there is a robust business case justifying the cost.

### **Regulation 30A(5)**

Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under Regulation 30A of the Benefits, Membership & Contributions Regulations 2007 (pensioner member with deferred benefits).

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority may use its discretion to determine not to apply all or part of this reduction. However, this discretion will only be used where there is a robust business case justifying the cost.

### **Regulation 31(4)**

Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority will determine eligibility in accordance with the LGPS regulations and medical advice.

### **Regulation 31(7)**

Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.

#### **Policy adopted:**

Where the Employer has become defunct, the administering authority will determine eligibility in accordance with the LGPS regulations and medical advice.

### **Regulation 23(2), 32(2) & 35(2)**

Decide to whom death grant is paid.

#### **Policy adopted:**

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation 25**

Decide evidence required to determine financial dependence of co-habitee on scheme member or financial interdependence of co-habitee and scheme member.

#### **Policy adopted:**

The administering authority, upon the death of the member, will request evidence, as defined in the regulations.

### **Regulation 39(1)(a)**

Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 39 to commute small pensions up to the maximum prescribed.

### **Regulation 39(1)(b)**

Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 39 to commute small pensions up to the maximum prescribed.

### **Regulation 39(1)(c)**

Decide whether to pay a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and pension credit members).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 39 to commute small pensions up to the maximum prescribed.



**Regulation 42(1)(C)**

Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership.

**Policy adopted:**

The administering authority resolves that it shall pay the member (or their beneficiaries) the highest value benefit.

## Local Government Pension Scheme Regulations (Administration) Regulations 2008

### Regulation 45(3)

Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.

### Policy adopted:

The administering authority resolves to treat such amounts as simple debts recovered via Invoice for active members. However, for members entitled to the immediate payment of benefits, arrears will be recovered from pension benefits.

### Regulation 52(2)

Whether to pay the whole or part of the amount that is due to the personnel representatives (including anything due to the deceased member at the date of death) to:

- personal representatives, or
- anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965.

### Policy adopted:

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation 52A**

Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.

#### **Policy adopted:**

The administering authority resolves to consider each case on its individual merits.

### **Regulation 56(2)**

Approve medical advisors used by Employers (for early payment, on grounds of ill health, of a deferred benefit or a suspended Tier 3 ill health pension).

#### **Policy adopted:**

The administering authority has approved the independent occupational health physicians appointed by the Scheme Employers, who hold the highest qualification requirements as set by Regulation.

### **Regulation 70(1) & 71(4)(c)**

Decide policy on abatement of following re-employment.

#### **Policy adopted:**

The administering authority had resolved not to apply abatement from 1 October 2006. However, because of amending legislation, abatement reviews will be reintroduced where termination arises because of a Tier 1 or Tier 2 ill health retirement.

## **Local Government Pension Scheme Regulations (Transitional Provisions) Regulations 2008**

### **Schedule 1**

Extend time period for capitalisation of added years contract.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion to deem elections for the capitalisation of added years contracts to have been made at the date of retirement, where it is in the interest of the member concerned.

### **Schedule 1**

Decide to whom death grant is paid.

#### **Policy adopted:**

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Schedule 1**

Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1 April 2008).

#### **Policy adopted:**

The administering authority will exercise its discretion on behalf of the deceased member.

**Regulation 14(3)**

Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004.

**Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 14 to commute small pensions up to the maximum prescribed.

## **Local Government Pension Scheme Regulations 1997 (as amended)**

### **Regulation 12(5):**

Frequency of payment of councilors' contributions.

### **Policy adopted:**

The administering authority will require that scheme members' pension contributions are deducted at the same intervals determined by the frequency of their pay.

### **Schedule 1, Regulation 17(4)(7)(8) & 89(4)**

Extend normal 12-month period following end of relevant reserve forces leave for a "Cancelling notice" to be submitted by a councillor member requesting that the service should not be treated as relevant reserve forces service.

### **Policy adopted:**

The administering authority will consider each case on its own merits.

### **Regulation 38(1) & 155(4)**

Decide to whom death grant is paid.

### **Policy adopted:**

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant – Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation 47(1)**

Apportionment of children's pension amongst eligible children.

### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 47(1) to apportion pensions equally amongst eligible children.

### **Regulation 47(2)**

Pay child's pension to another person for the benefit of the child.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 47(2) to pay a child's pension payable to a minor, to the surviving parent or legal guardian as appropriate.

### **Regulation 49(1)**

Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004 (includes pre 1 April 2008 leavers or Pension Credit members where the effective date of the Pension Sharing Order was pre 1 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 49 to commute small pensions up to the maximum prescribed.

### **Regulation 49(1)**

Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 49 to commute small pensions up to the maximum prescribed.

### **Regulation 50 & 157**

Decide whether to commute benefits due to exceptional ill-health (including Pension Credit members where the effective date of the Pension Sharing Order was pre 1 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 50 to commute a member's benefits where the medical adviser has certified that the member's life expectancy is less than one year.

### **Regulation 60(5)**

Whether acceptance of AVC election is subject to a minimum payment (councillors only).

#### **Policy adopted:**

The administering authority resolves that it will NOT exercise the discretion available under Regulation 60(5).

### **Regulation 80(5)**

Whether to require any strain on Fund costs to be paid "up front" by employing authority following early voluntary retirement of a councillor, or early payment of a deferred benefit on health grounds or from age 50 and prior to age 55 with employer consent.

#### **Policy adopted:**

The administering authority resolves that it will require employers to pay in full the cost of pension strain arising from early retirements, within a period not normally exceeding three years.



### **Regulation 81(1)**

Frequency of employer's payments to the fund (in respect of councillor members).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 81(1).

### **Regulation 81(5)**

Form and frequency of information to accompany payments to the Fund (in respect of councillor members).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 81(5).

### **Regulation 82(1)**

Whether to charge interest on payments by employers overdue by more than 1 month (in respect of councillor members).

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 82 to charge interest at the rate of 1% above base, compounded quarterly, in respect of the late receipt of pension contributions and combined benefit payments.

### **Regulation 83(5)**

Extend time period for capitalisation of added years contract.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 83(5) to deem elections for the capitalisation of added years contracts to have been made at the date of retirement, where it is in the interest of the member concerned.

### **Regulation 89(3)**

Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.

#### **Policy adopted:**

The administering authority resolves to treat such amounts as simple debts recovered via Invoice for active members. However, for members entitled to the immediate payment of benefits, arrears will be recovered from benefits.

### **Regulation 91(6)**

Timing of pension increase payments by employers to fund.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available under Regulation 91(6) to recover rechargeable Pensions Increases at intervals of no more than 12 months, by mutual agreement with the bodies concerned.

### **Regulation 95**

Whether to pay the whole or part of the amount that is due to the personnel representatives (including anything due to the deceased member at the date of death) to:

- personal representatives, or
- anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965.

#### **Policy adopted:**

The administering authority resolves to exercise this discretion, where the need arises.

**Regulation 97(10)**

Approve medical advisors used by employers.

**Policy adopted:**

The administering authority has approved the independent occupational health physicians appointed by the Scheme Employers, who hold the highest qualification requirements as set by Regulation.

**Regulation 106A(5)**

Date to which benefits shown on annual deferred benefit statement are calculated.

**Policy adopted:**

The administering authority will use the Pension Increase date for the appropriate year.

**Regulation 118**

Retention of Contributions Equivalent Premium (CEP) where member transfers out.

**Policy adopted:**

The administering authority resolves not to exercise this discretion.

**Regulation 147**

Discharge Pension Credit liability.

**Policy adopted:**

The administering authority resolves that Pension Credits will remain in the Fund unless the pension credit member has elected for a transfer.

## **Local Government (Early Termination of Employment) (Discretionary Compensation (England & Wales) Regulations 2000 (as amended)**

### **Regulation 31 (2)**

Agree to pay annual compensation on behalf of employer and recharge payments to employer.

### **Policy adopted:**

The administering authority resolves to exercise its discretion and pay as described.

## **Local Government Pension Scheme Regulations 1995 (as amended)**

### **Regulation E8**

Decide to whom death grant is paid.

#### **Policy adopted:**

The administering authority resolves to pay the death grant under the instructions received via the 'Death Grant Expression of Wish form'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, the death grant is released to the Executors of the Estate.

### **Regulation F7**

Whether to pay spouse's pensions for life (rather than ceasing during any period of remarriage or co-habitation).

#### **Policy adopted:**

The administering authority to exercise its discretion to allow payment of appropriate spouse's pensions for life.

### **Regulation G11(1)**

Apportionment of children's pension amongst eligible children.

#### **Policy adopted:**

The administering authority resolves to apportion the pension equally amongst eligible children.

### **Regulation G11(2)**

Pay child's pension to another person for the benefit of the child.

#### **Policy adopted:**

The administering authority resolves to exercise the discretion available to pay a child's pension payable to a minor, to the surviving parent or legal guardian as appropriate.

## The Local Government (Wales) Measure 2011 (2011 *nawm* 4)

### Section 143

Decide the descriptions of members (other than co-opted members) to or in respect of whom a relevant authority will be required to pay a pension (a “relevant pension”) and decide the relevant matters in respect of which a relevant authority will be required to pay a relevant pension.

The Panel may make different decisions in relation to authorities of different descriptions or different authorities of the same description.

An authority is a “relevant authority” if it comes within one of the following descriptions:

- (a) a local authority;
- (b) a community council;
- (c) a National Park authority (established under section 63 of the Environment Act 1995) for a National Park in Wales; and
- (d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.

“Member”, in relation to a relevant authority, includes:

- (a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000), and
- (b) an elected executive member of the authority (within the meaning of section 39(4) of that Act).

### Policy adopted:

Independent Remuneration Panel for Wales.

## **The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 (SI 2011/1791)**

### **Regulation 2**

To decide whether it is legally able to offer voluntary scheme pays (to determine legality see paragraph 223 onwards of the Annual Allowance guide published under the 'Guides and sample documents' page of [www.lgpsregs.org](http://www.lgpsregs.org)); and, if so, to decide the circumstances (if any) upon which it would do so.

### **Policy adopted:**

The administering authority will consider each case on its merits.