

23 December 2008

Addressees as attached

Our Ref:  
Your Ref:

Dear Colleague

**LOCAL GOVERNMENT PENSION SCHEME (ADMINISTRATION) (AMENDMENT)  
REGULATIONS 2008: SI 2008 NO. 3245**

With the agreement of Ministers, I enclose Regulations made on 16 December under powers contained in sections 7 and 12 of the Superannuation Act 1972 and laid before Parliament on 23 December. The regulations amend the Local Government Pension Scheme Administration Regulations 2008 with effective dates as set out in regulation 1. These regulations deal specifically with naming new lead administering authorities following local government re-organisation and providing for continued eligibility for membership to the LGPS from 1 April 2009.

**Background**

**New Lead Administering Authorities**

As a result of local government re-organisation in Bedfordshire and Cheshire, four new unitary authorities have been created. These are: Central Bedfordshire Council and Bedford Borough Council, and Cheshire West and Chester Council and Cheshire East Council.

Regulation 7 inserts a new Part 2 to the Table in Schedule 4 of the LGPS (Administration) Regulations 2008. It provides for Bedford Borough Council replacing Bedfordshire County Council, and Cheshire West and Chester Council replacing Cheshire County Council as the new lead administering authorities from 1 April 2009. These regulatory changes ensure continuity of LGPS pension administration and pension fund governance in those areas.

**Continued Eligibility for Membership**

Regulation 3 inserts a new paragraph to Regulation 16 (re-employed and re-joining deferred members) of the LGPS (Administration) Regulations 2008 which dis-applies Regulation 16(6) so that transfers of employment should be treated as continuous

and that there is no need for employers to ask staff to decide whether to aggregate separate periods of membership or retain separate benefits.

This provision goes further than that proposed in our consultation of 19 August as respondents asked that it encompasses members whose employment is TUPE transferred, or is treated as if it were being TUPE transferred, to another employer in the Scheme. This would overcome the current uncertainty as to whether or not Regulation 16(6) applies to such members, would negate the need for members to elect to aggregate membership, would remove administrative complexity, and would prevent such employees from retaining a separate benefit which they could then draw (at age 60 or over) even though still employed by the new employer.

### **Miscellaneous**

Regulation 4 inserts a definition into Schedule 1 of the LGPS (Administration) Regulations 2008.

### **Contacts**

For enquiries on the content of this letter, please contact:-

Nicola Rochester: [Nicola.rochester@communities.gsi.gov.uk](mailto:Nicola.rochester@communities.gsi.gov.uk)  
Or please telephone Nicola Rochester on: 020 7944 6016.

Yours sincerely

**LYNDA JONES**

## **ADDRESSEES**

The Chief Executive of:

- County Councils (England)
- District Councils (England)
- Metropolitan Borough Councils (England)
- Unitary Councils (England)
- County and County Borough Councils in Wales
- London Borough Councils
- South Yorkshire Pensions Authority
- Tameside Metropolitan Borough Council
- Wirral Metropolitan Borough Council
- City of Bradford Metropolitan District Council
- South Tyneside Metropolitan Borough Council
- Wolverhampton City Council
- London Pension Fund Authority
- Environment Agency
- Police Authorities in England and Wales
- Fire and Rescue Authorities in England and Wales
- National Probation Service for England and Wales

Town Clerk, City of London Corporation  
Clerk, South Yorkshire PTA  
Clerk, West Midlands PTA

LGPS Pension Fund Managers

The Secretaries of:

- Local Government Association
- LGPC
- Employers' Organisation for Local Government (LGE)
- PPMA
- SOLACE
- ALACE
- CIPFA
- UCEA
- NALC
- SLCC
- Society of County Treasurers
- Society of District Council Treasurers
- Society of Welsh Treasurers
- Society of Metropolitan Treasurers
- Society of London Treasurers
- Association of Consulting Actuaries
- Northern Ireland Public Service Alliance
- English Partnerships

Trades Union Congress  
UNISON  
TGWU  
GMB/MPO

UCATT  
Aspect  
Amicus  
NAPO  
Association of Educational Psychologists  
CYWU  
ACM

Audit Commission

NILGOSC

Confederation of British Industry  
Business Services Association  
Equality & Human Rights Commission

Other Government Departments:

GAD  
DoE (NI)  
SPPA  
DEFRA  
DfES