

Appendix A

- **Regulation 2(3)** requires the establishment of a pensions board, will this be similar to the administering authority's Pension Committee who have the majority membership because of their responsibility?
- **Regulation 3(2)** the phrase "a person" is repeated.
- **Regulation 4(1)(b)** it is still appropriate to retain an age limit for eligibility for active membership and therefore as there is no tax relief available on contributions paid after age 75 this age seems reasonable. It will also avoid employers having to amend their payroll systems for the people who do continue in work beyond age 75.
- **Regulation 5(5)** should it be a person is not treated as being an active member of the Scheme if they cease to be an active member before being an active member for 3 months?
- **Regulation 6(1)(a)** clarification required for a person who has been an active member of the scheme for less than two years, and a transfer payment has been received from a scheme that does not permit a refund but the membership period that the transfer payment relates to is less than two years and in total the membership is less than two years, will this person be a deferred member ?
- **Regulation 8(1)** do not believe the word "potentially" is required as a person is a credit member of the Scheme if they are entitled to a benefit as a result of a pension debit being created under the Welfare Reform and pension Act 1999.
- **Regulation 10** the regulation does not specify a period that a member can elect to pay reduced contributions for. We would like to see a minimum period that a member can elect to pay reduced contributions for. This is to avoid a member electing for this option on a regular basis throughout the year as their circumstances and finances change. Will the regulations or guidance specify what information the employer has to provide to the member, in order to avoid a member potentially receiving different information from different employers. The provision of information by the employer should not be onerous or costly.
- **Regulations 11 to 15** the regulations do not specify the option to continue payment of contributions that were being made under regulation 23 and 25 of the 2008 Administration Regulations or regulation 55 of the 1997 Regulations is this intentional ?
- **Regulation 16** the regulations do not specify a minimum amount of additional member or survivor pension that can be paid for. Without a minimum amount there is a risk that very small amounts may be paid for. Will the guidance be issued by the Government Actuary?
- **Regulation 17(5) &(7)** the member is only required to specify the percentage of pensionable pay or the amount he wishes to contribute, and not that it is payable from his pay on his usual pay day. This does not appear therefore to restrict the member from paying more than 50% in one pay period or that it is payable through his payroll. Is this the intention?
- **Regulation 18(1)** the reference should be to 3(6) and not 3(5).
- **Regulation 18(4)** appears to imply that a member is only entitled to claim a refund if payment is requested within one year of ceasing active membership, is it intended that the refund is "lost" if not claimed within a year?
- **Regulation 21(3)** This could be costly for an employer if they have to obtain this in every case where a member reduces their hours and therefore has reduced pay because of ill health.

There may be scenarios where the member has a permanent reduction in their hours for the rest of their employment. Or is it only intended to apply to a temporary reduction in hours? In the current regulations an IRMP only has to certify that the member was in part time service wholly or partly as a result of ill health if the member has satisfied the criteria to retire on ill health grounds as a result of that ill health condition.

- **Regulation 22(2)** should a separate account be opened where a member is or was employed in one or more Scheme employments rather than two or more Scheme employments?
- **Regulation 24(4)(b)** makes reference to pensionable service should it read active service?
- **Regulation 26 (3)(a)** provides for a deferred member to be entitled to immediate payment of a retirement pension from age 55, will this also apply to a member who has opted out of scheme membership with a deferred account?
- **Regulation 30(1)** there is no reference to the member having to have two years membership in order to qualify for a retirement benefit, is this intentional?
- **Regulation 35(4)** in order for the whole of the regulation to be consistent the wording gainful employment needs to be prefixed with “any”. It will then be consistent with regulation 38.
- **Regulation 35(5)** says that if the member has a reduced likelihood of being capable of undertaking any gainful employment before normal retirement age, that member is entitled to Tier 1 benefits. This appears to be the criteria of regulation 35(4) to determine whether an ill health benefit is payable and therefore suggests that if this criteria is satisfied as well as 35(3) the member is entitled to Tier 1 benefits. Should it read “If the member has no reasonable prospect of being capable of undertaking any gainful employment before normal pension age, that member is entitled to Tier 1 benefits?” This would be consistent with regulation 20(2) of the 2007 Regulations.
- **Regulation 36(1)(b)** the word “any” to be inserted before undertaking gainful employment.
- **Regulation 41, 44 and 47** provides for a pension to be paid to a surviving spouse, civil partner or nominated cohabiting partner. Prescribed conditions for the qualification of a cohabiting partner’s pension are still required and it is preferable to have a declaration signed by the member and partner rather than the Fund exercising its’ discretion.
- **Regulation 42(2)45(2) and 48(2)** all make reference to pension being paid to a partner but this term has not been included in Schedule 1.
- **Regulation 54** unaware that this provision is used could it be removed
- **Schedule 1** the term employing authority is missing.
- **Schedule 2 Part 1 20** The scheme employer relating to an academy has changed from a proprietor of an Academy in the 2008 Administration regulations to a person who has entered into Academy arrangements and currently an Academy is defined as meaning a school to which Academy arrangements relate, as to which see section 1 of the academies Act 2000.

Pension accounts are created in accordance with regulation 22, however if a member is entitled to a refund which is not claimed immediately on leaving should there be a preserved refund account to hold the amount of the refund ?