

2005 No. *

PENSIONS, ENGLAND AND WALES

**The Local Government Pension Scheme (Amendment)
Regulations 2005**

<i>Made</i> - - - -	* * 2005
<i>Laid before Parliament</i>	* * 2005
<i>Coming into force</i> - -	** 2005

The First Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972(a) and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment) Regulations 2005.

(2) These Regulations shall come into force on ** 2005, but regulations 2 - 6 shall have effect from 1st April 2005.

(3) In these Regulations, “the principal Regulations” means the Local Government Pension Scheme Regulations 1997(b).

(4) These Regulations extend to England and Wales(c).

Revocation of the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2004

2. The Local Government Pension Scheme (Amendment) (No. 2) Regulations 2004 are hereby revoked.

Revival of previously revoked Regulations

(a) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
(b) S.I. 1997/1612; relevant amending instruments are S.I. 1997/954, 1613, 1998/1238, 1999/3438, 2001/770, 3401, 2002/206, 2003/1022, 2004/573 and 2004/3372.
(c) The Secretary of State’s functions under section 7 of the Superannuation Act 1972 in so far as they were exercisable in relation to Scotland were devolved to Scottish Ministers by section 63 of the Scotland Act 1998 (1998 c. 46) and article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc) Order 1999 (S.I. 1999/1750).

3. The provisions of the principal Regulations listed in regulation 4 are revived and shall have effect as they had effect immediately before the coming into force of the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2004.

4. The provisions mentioned in regulation 3 are regulations 25(3A), 26(1), 31(1), (4) and (7), 32(5)(a), 55(10), 93(2)(aa), 122(4), 123(2)(b), in Schedule 3, paragraphs 7 and 8 of the Table, and in Schedule 7, paragraph 2(4).

Revocation of amendments made by the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2004

5. The provisions of the principal Regulation mentioned in regulation 6 (being provisions inserted by the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2004) are revoked.

6. The provisions mentioned in regulation 5 are regulations 52(11), 80(5), 122(6A) and (6B), and, in regulation 122A(3), the words “(and regulation 122(6B) does not apply to a transfer value credited under this regulation)”.

Retrospective effect

7. Nothing in these Regulations shall place any individual who is qualified to participate in the benefits for which the principal Regulations provide in a worse position than he would have been in if all the provisions of these Regulations had been framed so as to have effect only from the date of their making.

Signed by authority of the First Secretary of State

* * 2005

Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Pension Scheme Regulations 1997 (the “principal Regulations”).

The effect of the Regulations is to revoke amendments made by the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2004 (S.I. 2004/3372), which removed the so-called “85-year rule” from the Local Government Pension Scheme. Under section 12 of the Superannuation Act 1972, regulations may be made which have effect from a date before their coming into force: these Regulations have effect from 1st April 2005, and therefore place the Local Government Pension Scheme in the position it would have been had the 2004 Regulations not been made.

Provision is made in regulation 7 to protect the position of any person entitled to benefits under the Scheme: they are not to be placed in any worse position by the retrospective effect of the Regulations.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies. The effect of the Regulations is to mitigate the increased financial cost arising because of average increases to the life expectancy of scheme members, and they are therefore expected to be cost neutral on public bodies participating in the Local Government Pension Scheme.