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Administering Authority Statement of Policy Discretions

Local Government Pension Scheme Regulations 2013

Discretions formally agreed by the Pensions Committee on behalf of the Administering Authority, any decisions made in relation to these discretions will apply to all scheme members in the London Borough of Havering Pension Fund (regardless of who their employer is)

Regulation	Description	Discretion application
4(2)(b)  5(5)	Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or care Quality Commission.  Whether to agree to an admission agreement with a body applying to be an admission body.	An admissions policy is drafted to ensure that any financial risk to the Fund and to the other employers in the Fund is identified, minimised and managed. The drafted policy to interact with the Funding Strategy Statement to give it a statutory backing as well as further clarity.  Any body seeking admission to the London Borough of Havering Pension Fund under these regulations should demonstrate, to the Administering Authority's satisfaction, compliance with the authority's current prescribed admission criteria and the requirements of the Regulations; and the body seeking admission should enter into an Admission Agreement in such form as the Administering Authority may from time to time require.
Schedule 2 Part 3, Paragraph 9(d)	Whether to terminate a transferee 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	Officers monitor the covenant of the admission bodies in the fund and that delegated authority is given to the Transactional Manager, in consultation with the Council's Legal department, and the Chair of the Pension Committee to take action they feel is appropriate that will lead to the termination of an

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	within a reasonable period of being requested to do so.	admission agreement.
<b>Regulation</b>	<b>Description</b>	<b>Discretion application</b>
Schedule 2 Part 3, Paragraph 12(a)	Admission agreements definition of “employed in connection with”.	That where the London Borough of Havering a Administering Authority enters into an admission agreement with an admission body then the expression “employed in connection with” shall normally mean that a member spends on average in a scheme year at least 50% of his/her time working on the services connected to the contract.
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).	Delegated authority is given to the Team Leader Pensions Administration to make a decision on a case by case basis to determine in any particular case that it would not be practical to allow the additional pension contributions to be paid by regular contributions.
16(10)	Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC.	All scheme members wishing to pay regular monthly additional pension contributions should be required to complete a declaration, countersigned by their General Practitioner, in the format laid down by the Administering Authority that they are in reasonably good health, at the members own expense. That declaration should confirm the member is in reasonable good health prior to being permitted to commence payment of additional pension contributions. However, if payment was due to be made in one lump sum no General Practitioner declaration would be required since the contract would not be valid unless the payment had been received by the Fund.

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Regulation	Description	Discretion application
17(12)40(2), 43(2) and 46(2)	Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member.	The decision as to the beneficiary is made on a case by case basis after referral by the Team Leader Pensions Administration to the Transactional Manager for agreement upon collection of all the relevant facts. Where cases are contentious, upon collection of all the relevant facts the decision as to the beneficiary is made on a case by case basis by the Pension Panel. The London Borough of Havering reserves the right to request sight of the Grant of Probate or Letters of Administration.
17(5) to (8) of the Transitional Provisions and Savings Regulations)	Decide to whom death grant paid.	
22(3)(c)	Pension account may be kept in such form as is considered appropriate.	The use of the Altair solution, or such Pension Administration computer software deemed fit for purpose by the Administering Authority, will ensure that the pension accounts will be able to identify the appropriate status of member and category of pension account. The Council will decide the form in which pension accounts are kept based upon any published information or best practice and in an efficient manor.
30(8) Written policy required	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age or on flexible retirement in cases where the current employer or the former employer has ceased to be a Scheme Employer.	It is the general policy of the London Borough of Havering as an employer that it will determine each application on a case by case basis and that it will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control. This policy will also be adopted by London Borough of Havering as an Administering Authority and delegate authority to the

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		Pension Panel.
Regulation	Description	Discretion application
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.	Each case is assessed on a case by case basis and delegated authority is given to the Team Leader Pensions Administration to agree to an extension of the time limits in each individual case depending on the circumstances.
34(1)	Decide whether to commute small pension.	Where the pension in payment is of such an amount that when commuted to a single lump sum and the conditions are within those laid down in the Finance Act to allow such a payment without any tax charge being imposed on the fund, the capital value of the pension will be paid where the member elects for it to. This payment discharges the authority from paying any future payments in respect of those pensions.
36(3)	Approve medical advisors used by employers (for ill health benefits).	Delegated powers be given to the HR, Payroll and Pensions Transactional Manager to determine whether an employer can use an alternative Occupational Health Adviser to the Council's and where granted, whether it is reasonable to use the Adviser selected. A medical practitioner must be registered with the General Medical Council and have the appropriate qualifications including occupational health medicine.

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Regulation	Description	Discretion application
38(3) 38(6)	<p>In the cases where the employer or former employer has ceased to be a Scheme Employer the Administering Authority shall:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	<p>Where the Administering Authority is required to make a determination as to agreeing to the early payment of a deferred pension on the grounds of permanent ill health that all the facts of the case are presented to the Pensions Panel for a final determination.</p>
49(1)(c)	<p>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.</p>	<p>The discretion is delegated to the Team Leader Pensions Administration on a case by case basis.</p>
54(1)	<p>Whether to set up a separate admission agreement fund.</p>	<p>No action will be taken in respect of this provision without prior discussions between officers and the fund actuary. Any proposal to set up a fund should then be submitted to the Fund’s Pension Committee.</p>

Regulation	Description	Discretion application
55	<p>Governance policy must state whether the admin authority delegates their function of 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</p> <ul style="list-style-type: none"> <li>- the frequency of any committee or sub-committee meetings;</li> <li>- the terms, structure and operational procedures appertaining to the delegation;</li> <li>- whether representatives of employing authorities or members are included and, if so, whether they have voting rights.</li> </ul> <p>The policy must also state</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- the terms, structure and operational procedures appertaining to the local Pensions Board.</li> </ul>	<p>No further action is necessary, but upon the publication of the regulations on the governance of the LGPS and the code of practice is finalised by the Pension Regulator the Governance Compliance Statement is revisited and revised as appropriate. A copy will be made available on our website <a href="http://www.yourpension.org.uk/handr">www.yourpension.org.uk/handr</a>.</p>

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Regulation	Description	Discretion application
58 Written policy required	Decide on funding strategy for inclusion in Funding Strategy Statement.	The Funding Strategy Statement is regularly revised and reviewed in consultation with the fund's actuarial advisers. A copy will be made available on our website <a href="http://www.yourpension.org.uk/handr">www.yourpension.org.uk/handr</a> .
59(1) & (2)	Whether to have a written pensions administration strategy and, if so, the matters it should include.	<p>In view of the soon forthcoming governance requirements being imposed onto the LGPS a Pension Administration Strategy is prepared in accordance with the provisions of the LGPS2014 regulations. It should then be reviewed to ensure it remains up to date and meets the necessary regulatory requirements at least every three years.</p> <p>The London Borough of Havering Pension Fund will continually review the performance of the Administering Authority and scheme employers against the targets and standards set out in the strategy and address with scheme employers any issues that might be highlighted on a regular basis and relevant reports be provided to the Pensions Committee.</p>
61 Written policy required	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.	The London Borough of Havering Pension Fund will continually review its communication policy and in any event if there is any material change and relevant reports be provided to the Pensions Committee. The Communication Policy is made available on our website <a href="http://www.yourpension.org.uk/handr">www.yourpension.org.uk/handr</a> .

Regulation	Description	Discretion application
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'.	<p>Following the 2013 triennial valuation exercise and on the entry of any future bodies to the fund, powers are delegated to the Transactional Manager to take advice from the fund actuary as to how these admission bodies should be monitored.</p> <p>An annual review will take place each year for three years before the original contract cease date, or immediately when it becomes known that an early termination may occur and that the Transactional Manager be given delegated powers to request an amendment to the rates and adjustment certificate in accordance with the actuary’s advice in the monitoring processes with a view to protecting the pension fund against any unpaid liabilities in respect of these bodies.</p>
65	Decide whether to obtain a new rates and adjustments certificate if the Secretary of State amends the Benefits Regulations as part of the “cost sharing” under regulation 63.	No action will be taken in respect of this provision without prior discussions between officers and the fund actuary. Any proposal to review employers' contribution rates should then be submitted to the Fund’s Pension Committee.
68(2)	Whether to require any strain on Fund costs to be paid “up front” by employing authority following payment of benefits under regulations 30(6) (flexible retirement), 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.	The Administering Authority will continue to require all strain costs to be paid by employers on the fund costs in accordance with the Rates and Adjustment Certificate and guidance produced by the fund actuary. Payment should also continue to be made immediately in the form of lump sum, unless otherwise authorised by the Group Director of Resources.



Regulation	Description	Discretion application
69(1) 69(2)	Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.  Decide form and frequency of information to accompany payments to the Fund.	This will be on a monthly basis, payment to be received by the 19 <sup>th</sup> day of the month following deduction from pay (the 22 <sup>nd</sup> day if paid by electronic communication) with the form and statement to accompany the payments in the format as specified, which may be revised following notification to employers.
70 71(1)  And regulation 22(2) of the Transitional Provisions and Savings Regulations	Whether to issue employer with notice to recover additional costs incurred as a result of the employer’s level of performance.  The Administering Authority may charge interest on payments by employers which are overdue.	With a Charging Policy in place, and any future Pension Administration Strategy, the Administering Authority will make use of this provision to charge employers for persistently not meeting their liabilities and delegated authority is given to the Team Leader Pensions Administration to apply on a case by case basis.  The Administering Authority reserves the regulatory prescribed right to require interest to be paid when payments are overdue by more than one month. Interest must be calculated on a day to day basis from the due date to the date of payment and compounded with three monthly rests.
76(4)	Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised.	The Group Director of Resources continues with the delegated responsibility for the purpose of stage 2 applications and in doing so receives relevant advice and guidance from the Pensions Panel.

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Regulation	Description	Discretion application
79(2)	Whether administering authority should appeal against employer decision (or lack of a decision).	Each case is determined on a case by case basis with delegated authority being given to the Pension Panel.
80(1)(b) And regulation 22(1) of the Transitional Provisions and Savings Regulations	Specify information to be supplied by employers to enable admin. authority to discharge its functions.	This will be on a case by case basis with delegated authority given to the Team Leader Pensions Administration who may confer with management in some cases but having regard to the regulatory requirement and best practice.
82(2)	Whether to pay death grant due 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.	The decision as to the beneficiary is made on a case by case basis by reference by the Team Leader Pensions Administration to the Transactional Manager for agreement upon collection of all the relevant facts.
83	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.	Each case is determined on a case by case basis with final delegated authority given to the Pension Panel.
89(5)	Date to which benefits shown on annual benefit statement are calculated.	The London Borough of Havering will provide and calculate annual benefit statements on the year ending 31 March.
98(1)(b)	Agree to bulk transfer payment.	Each opportunity is determined on a case by case basis with delegated authority given to the Transactional Manager in consultation with the Fund actuary.

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Regulation	Description	Discretion application
100(6)	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.	Where discretion needs to be exercised it is determined on a case by case basis with delegated authority given to the Team Leader Pensions Administration.
100(7)	Allow transfer of pension rights into the Fund.	Generally transfer values are accepted but discretion is given to the Team Leader Pensions Administration in co-operation with the Transactional Manager and any other advisers they feel are appropriate, to consider and determine in exceptional cases whether a transfer value should be accepted that may pose a risk to the fund.
Schedule 1 And regulation 17(9) of the Transitional Provisions and Savings Regulations	Decide to treat child as being in continuous education or vocational training despite a break.	The Transactional Manager is given delegated powers to permit a break in the full-time education or training to be ignored so as to retain continuity and hence the ongoing payment of the child’s pension on a case by case basis.
Schedule 1 And regulation 17(9)(b) of the Transitional Provisions and Savings Regulations	Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.	Where a cohabiting partner can become entitled upon the death of a member to pension benefits delegated authority is given to the Transactional Manager to decide on a case by case basis by taking account of the LGPS regulatory requirements, what evidence the cohabiting partner will be asked to provide by the way of appropriate documents and paperwork to prove either dependency or interdependency.

**Administering Authority Discretions**

**Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014**

Regulation	Description	Discretion application
3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) and 10 of the Benefits Regulations	Where member to whom regulation 10 of the Benefits Regulations applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member.	Delegated authority is given to the Pension Team Senior Transactional Agents to determine the best final pay where the member has died and unable to make the appropriate election.
3(13)	Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment.	The revised policy from 1 April 2014 is to not abate or reduce the pensions of former members who become re-employed with regard to any period of membership before that date. Abatement of pension payable should continue in respect of any pensioner member who gained further employment covered by the LGPS before 1 April 2014.
10(9)	Decide, in the absence of an election from the member within 12 months of ceasing a concurrent employment, which ongoing employment benefits from the concurrent employment which has ceased should be aggregated (where there is more than one ongoing employment)	Where a decision is required delegated authority is given to the Team Leader Pensions Administration to which on-going employment the ceasing concurrent employment membership is aggregated and that the decision is communicated in writing to the scheme member within one month of the decision being made.

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Regulation	Description	Discretion application
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.	Delegated authority is given to the Team Leader Pensions Administration to agree the use of a certificate produced under the 2008 scheme on a case by case basis.
15(1)(c)	Extend time period for capitalisation of added years contract.	A policy be made allowing the extension of this period beyond three months with powers being delegated to the Transactional Manager on a case by case basis to determine the actual period permitted.
15(1)(d)	Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds (where AVC/SCAVC arrangement was entered into before 1/4/14).	There should be no charge to scheme members for these calculations for first time enquiries relating to each AVC fund but they are informed that subsequent enquiries may attract a charge with delegated powers given to the Team Leader Pensions Administration to do so on a case by case basis.
Schedule 2 para 2	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 for a defunct employer.	<p>The Administering Authority will not usually exercise discretion to fund additional costs applicable to the 85 Year Rule for 55 to 60 year olds. However in exceptional circumstances, to be considered on individual merits on a case by case basis.</p> <ul style="list-style-type: none"> <li>• If the member satisfies the 85 year rule, that part of the member’s benefits accrued under the Earlier Scheme(s) which is calculated by reference to any period of membership before the 1 April 2014 is reduced by reference to the period between the date of the request and age 60.</li> </ul>

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- If the member does not satisfy the 85 year rule, that part of the member’s benefits accrued under the Earlier Scheme(s) which is calculated by reference to any period of membership before the 1 April 2014 is reduced by reference to the period between the date of the request and the date the member would satisfy the 85 year rule, or age 60 if later.

Each case be dealt with on a case by case basis and although generally the 85 year rule will be applied as above, where there may be a circumstance for a different application agreement is sought from the Pension Panel.

**Administering Authority Discretions**

**Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014**

**Discretions in relation to the Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007**

Regulation	Description	Discretion application
10(2)	Election for another final pay period in respect of a deceased member.	Delegated authority is given to the Team Leader Pensions Administration to determine the best final pay where the member has died and unable to make the appropriate election.
23(2), 32(2) and 35(2)	Recipient of payment of death grant.	The decision as to the beneficiary is made on a case by case basis by reference by the Team Leader Pensions Administration to the Transactional Manager for agreement upon collection of all the relevant facts.
25	Determining dependency / financial interdependency for cohabiting partners.	Where a cohabiting partner can become entitled upon the death of a member to pension benefits delegated authority is given to the Transactional Manager to decide on a case by case basis by taking account of the LGPS regulatory requirements, what evidence the cohabiting partner will be asked to provide by the way of appropriate documents and paperwork to prove either dependency or interdependency.

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Regulation	Description	Discretion application
27(5)	Payment of a child’s pension to another person.	The number of occasions in which this circumstance would arise and the amounts payable will be very minimal and delegated authority is given to the Pension Panel to decide on a case by case basis.
30(2),30A(3) and 31(4)	Consenting to the immediate payment of benefits where the employer no longer exists.	<p>Generally applications will not be agreed but may be granted on a case by case basis with all circumstances being taken account and to be determined by the Pensions Panel.</p> <p>Where the administering authority is required to make a determination as to agreeing to the early payment of a deferred pension on the grounds of permanent ill health that all the facts of the case are presented to the Pensions Panel to determine on a case by case basis.</p>
30(5) and 30A(5)	To waive actuarial reduction where former employer no longer exists.	It is the general policy of the London Borough of Havering as an employer that it will determine each application on a case by case basis and that it will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control. This policy will also be adopted by London Borough of Havering as an Administering Authority and delegate authority to the Pension Panel.



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Regulation	Description	Discretion application
39	Commutation and small pensions.	Where the pension in payment is of such an amount that when commuted to a single lump sum and the conditions are within those laid down in the Finance Act to allow such a payment without any tax charge being imposed on the fund, the capital value of the pension will be paid where the member elects for it to. This payment discharges the authority from paying any future payments in respect of those pensions.
42(1)(c)	No double entitlement.	The discretion is delegated to the Team Leader Pensions Administration on a case by case basis.

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**Administering Authority Discretions****Discretions in relation to the Local Government Pension Scheme (Administration) Regulations 2008**

Regulation	Description	Discretion application
28(2)	Recovery of costs of calculations for transferring AVCs into the fund.	There should be no charge to scheme members for these calculations for first time enquiries relating to each AVC fund but they are informed that subsequent enquiries may attract a charge with delegated powers given to the Team Leader Pensions Administration to do so on a case by case basis.
45(3)	Recovery of sums due from scheme members.	Delegated power is given to the Team Leader Pensions Administration to consider each case on its own merits and to seek to either recover from scheme benefits or invoice for the amount outstanding as appropriate.
52(2)	Payment due in respect of deceased persons where the amount due is less than £5,000.	The decision as to the beneficiary is made on a case by case basis by reference by the Team Leader Pensions Administration to the Transactional Manager for agreement upon collection of all the relevant facts.
52A	Payments for persons incapable of managing their affairs.	Each case is determined on a case by case basis with final delegated authority given to the Pension Panel.
56(2)	Approval of medical practitioner.	Delegated powers be given to the Transactional Manager to determine whether an employer can use an alternative Occupational Health Adviser to the Council's and where granted, whether it is reasonable to use the Adviser selected.

Regulation	Description	Discretion application
60(8)	Exercising stage 2 IDRPs functions.	The Group Director of Resources continues with the delegated responsibility for the purpose of stage 2 applications and in doing so receives relevant advice and guidance from the Pensions Panel.
63(2)	Appealing against an employer decision.	Each case is determined on a case by case basis with delegated authority being given to the Pension Panel.
64(1)(b)	Exchange of information.	This will be on a case by case basis with delegated authority given to the Team Leader Pensions Administration who may confer with management in some cases but having regard to the regulatory requirements and best practice.

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### Administering Authority Discretions

#### Discretions in relation to the Local Government Pension Scheme Regulations 1997 (The 1997 Pension Regulations) (some may continue to apply in relation to historical cases or councillors)

There are a number of regulations within the former 1997 Pension Regulations that apply to councillors who elect to join the LGPS. Where discretions are applicable in relation to active councillor members they should be applied as they are mirrored within the LGPS Regulations applicable from 1 April 2014. It should be noted that elected Councillors at the London Borough of Havering did not elect to become members of the LGPS.

Regulation	Description	Discretion application
12(5)	Frequency of payment of councillors contributions.	As per LGPS2014 Regulations.
17(4),(7),(8) and 89(4)	“Reserve forces service leave” - Extension of period for scheme member to elect for membership following a period of reserve forces leave.	A policy is made allowing the extension of this period beyond twelve months with powers being delegated to the Pension Panel to determine the actual period permitted in each case according to the individual circumstances.
22(7)	Selecting appropriate final pay period.	As per Transitional Provisions and Savings Regulations.
23(9)	Election on behalf of deceased member.	As per Transitional Provisions and Savings Regulations.
38(1) and 155(4)	Decide to whom death grant should be paid.	As per LGPS2014 Regulations
47(1)	Apportionment of children's pensions.	Each case determined on a case by case basis by the Pensions Panel.
47(2)	Payment of child's pension to another person.	Each case determined on a case by case basis by the Pensions Panel.

Regulation	Description	Discretion application
49 and 156	Commutation and small pensions.	Where the pension in payment is of such an amount that when commuted to a single lump sum and the conditions are within those laid down in the Finance Act to allow such a payment without any tax charge being imposed on the fund, the capital value of the pension will be paid where the member elects for it to. This payment discharges the authority from paying any future payments in respect of those pensions.
50 and 157	Commute benefits due to exceptional ill health.	Each case determined on a case by case basis by the Pensions Panel.
60(5)	AVC election for councillors subject to a minimum payment.	Each case determined on a case by case basis by the Pensions Panel.
80(5)	Requirement to pay strain costs.	As per LGPS2014 Regulations.
81(1)	Frequency of employers' payments.	As per LGPS2014 Regulations.
81(5)	Form and frequency of information accompanying employers' payments.	As per LGPS2014 Regulations.
82(1)	Interest on overdue payments (councillor members)	Each case determined on a case by case basis by the Pensions Panel.
89(2)	Unpaid contributions collected as a debt from benefits.	Each case determined on a case by case basis by the Pensions.
91(6)	Timing of pension increase payments by employers.	Each case determined on a case by case basis by the Pensions Panel.

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Regulation	Description	Discretion application
95	Payment of death grant less than £5,000.	As per LGPS2014 Regulations.
97(10)	Approval of medical advisers used by employers.	Each case determined on a case by case basis with delegated power be given to the HR, Payroll and Pensions Transactional Manager.
99	Deciding on IDRPs procedure to follow.	Each case determined on a case by case basis by the Pensions Panel.
105(1)	Deciding on appeal against employer decision or lack of decision.	Each case determined on a case by case basis by the Pensions Panel.
106A(5)	Date to which benefits calculated for annual benefit statement.	As per LGPS2014 Regulations.
109 and 110(4)(b)	Abatement of councillor pensions on reemployment.	As per Transitional Provisions and Savings Regulations.
118	Deciding Retention of CEP where member transfers out.	CEP will be retained.
147	Discharging Pension Credit liability.	Each case determined on a case by case basis by the Pensions Panel.

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**Administering Authority Discretions****Discretions in relation to the Local Government Pension Scheme Regulations 1995 (the “1995 Pension Regulations”)**

There are some regulations within the former 1995 Pension Regulations that still apply scheme members who ceased active membership before 1 April 1998. Where discretions are also applicable in relation to active members in the LGPS2014 Regulations they should be applied as they are mirrored within the LGPS Regulations applicable from 1 April 2014.

Regulation	Description	Discretion application
E8	To whom death grant should be paid.	As per LGPS2014 Regulations.
F7(1)	Suspension of spouses' pensions during remarriage or cohabitation.	Spouses' benefits should not be suspended during any period of remarriage or cohabitation (as is the case with the current policy) and paid for life.
G11(1)	Apportionment of children's pensions.	Each case determined on a case by case basis by the Pensions Panel.
G11(2)	Payment of child's pension to another person.	Each case determined on a case by case basis by the Pensions Panel.