



Government
Actuary's
Department

Local Government Pension Scheme (Scotland)

**Application of a Pension Credit to the Former
Partner of the Member of a pre-2015 leaver**

Factors and guidance

Date: 18 March 2020





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1 Introduction

- 1.1 Scottish Ministers are required under the Local Government Pension Scheme (Scotland) Regulations 2018 ('the 2018 Regulations') (SSI 2018/141), to issue actuarial guidance on the calculation of the pension credit for the former partner (the "pension credit member") following a divorce proceeding.
- 1.2 The purpose of this note is to provide Scottish Ministers with factors to be used to convert the pension credit arising from a pension sharing order to a pension awarded to the ex-partner (or pension credit member) and accompanying guidance to demonstrate how these factors should be applied.
- 1.3 This guidance applies to:
- pension credits for which the transfer day is before 1 April 2015, and
 - pension credits where the transfer day is after 1 April 2015 and either
 - the member has not been an active member of the 2015 Scheme and has benefits under the Earlier Schemes, or
 - the member has been an active member of the 2015 Scheme and has benefits under the Earlier Schemes which have not been aggregated with the benefits in the 2015 Scheme
- 1.4 The remainder of this introduction contains:
- details of the implementation and future review of this guidance,
 - the relevant legislative references, and
 - statements about third party reliance and liability
- 1.5 In the remainder of this note:
- the second section describes the benefits provided to a pension credit member
 - the third section describes the calculation of the pension credit
 - the fourth section provides example calculations
 - Appendix A sets out the principal assumptions underlying the factors contained in this guidance note
 - Appendices B and C set out the factors applicable where the former spouse is respectively below or above Normal Pension Age
 - Appendix D sets out some important limitations



Implementation and Review

- 1.6 Scottish Ministers are required to consult the Scheme Actuary before issuing actuarial guidance under the 2018 Regulations [Regulation 2(3) of the 2018 Regulations].
- 1.7 As part of this consultation the Scottish Public Pensions Agency (SPPA) has asked GAD, as Scheme Actuary, to recommend actuarial guidance in respect of the regulations detailed above. This document forms GAD's recommendation for the actuarial guidance required by these regulations.
- 1.8 The guidance and factors provided in this note have been prepared in light of our advice to SPPA dated 30 October 2018 and its instructions following that advice.
- 1.9 This guidance is intended to supersede any factors or advice previously issued for the purposes of pension credit calculations, which rely on input from the scheme actuary. In particular, this guidance supersedes:
- “The Local Government Pension Scheme (Scotland): Application of a pension credit to the former spouse or civil partner of the member” dated 20 December 2012
- and the subsequent addendum to the above guidance note
- “The Local Government Pension Scheme (Scotland): Addendum: Application of a pension credit to the former spouse or civil partner of the member – pre-2015” dated 9 May 2016.
- 1.10 Factors contained in this note have been updated but the calculation methodology remains unchanged.
- 1.11 This note has effect only when this guidance is issued by Scottish Ministers in accordance with Regulation 2(3) of the 2018 Regulations, and is subject to the implementation instructions provided at that time.
- 1.12 As determined by SPPA, the factors apply from 26 March 2019. These factors are consistent with the non-club cash equivalent transfer value factors and pensioner cash equivalent factors implemented from 29 October 2018.
- 1.13 This guidance has been written for pension administrators and assumes some knowledge of general pension terminology, and some familiarity with retirement calculations for the Local Government Pension Scheme (Scotland). Any questions concerning the application of the guidance should, in the first instance, be referred to SPPA.
- 1.14 In line with best practice and in order to make sure that factors are being used as intended and the instructions are fit for purpose, we suggest that some example calculations are sent to GAD for review.



- 1.15 The factors contained in this guidance will be subject to review periodically. This will depend on external circumstances, for example whenever there is a change in the SCAPE basis; when changes in the actuarial assumptions adopted for other scheme factors take place; or following each future actuarial valuation where mortality and other relevant experience is reviewed or if other credible and material information comes to light.

Regulatory references

- 1.16 Regulation 89 (4) of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 (SSI 2008/228) (the “2008 Regulations”) provides that the value of rights conferred on the former spouse or civil partner (the “pension credit member”) following a divorce proceeding are equal to the amount of the pension credit.
- 1.17 Regulation 94(5) of the 2008 Regulations provides that, where the former spouse or civil partner dies before the administering authority has awarded the pension credit, that liability may be discharged by the appropriate authority by the payment of a lump sum. Regulation 94(6) provides that in these circumstances the lump sum shall be equal to 3 times the annual rate of the pension which would have been paid to the former spouse or civil partner if on the date of the death the former spouse or civil partner had become entitled to a pension as a pension credit member, calculated in accordance with guidance issued by the Government Actuary, in his capacity as scheme actuary.
- 1.18 Regulation 3(10) of the Local Government Pension Scheme (Transitional Provisions, Savings) (Scotland) Regulations 2014 (SSI 2014/233) requires that any reference to guidance issued by the Scheme Actuary or Government Actuary in the Earlier Regulations is to be construed as a reference to actuarial guidance issued by the Scottish Ministers as defined by the Local Government Pension Scheme Regulations 2014.
- 1.19 This guidance is designed to be consistent with the Welfare Reform and Pensions Act 1999 (“the Act”) and associated regulations.

Third party reliance

- 1.20 This guidance has been prepared for the use of SPPA and the scheme administrators for the purposes of demonstrating the application of the factors covered by this guidance only. This guidance may be published on SPPA and the scheme administrator’s website but must not otherwise be reproduced, distributed or communicated in whole or in part to any other person without GAD’s prior written permission.
- 1.21 Other than SPPA and the scheme administrators, no person or third party is entitled to place any reliance on the contents of this guidance, except to any extent explicitly stated herein. GAD has no liability to any person or third party for any action taken or for any failure to act, either in whole or in part, on the basis of this guidance, whether or not GAD has agreed to the disclosure of its advice to the third party.



2 Pension Credit Benefits

- 2.1 Where a pension sharing order is issued by the Court, the former partner is allocated a monetary amount of the member's benefits. These rights can be discharged by the administering authority, either by making a transfer payment to another appropriate scheme (as prescribed in the relevant legislation), or by establishing a pension credit within the administering authority's fund.
- 2.2 The main pension credit benefits are as follows:
- 2.2.1 A pension payable for life from age 65
- 2.2.2 A retirement lump sum of three times the annual rate of the pension is payable in respect of the member's service before 1 April 2009 (but no lump sum is payable if the member has already claimed this by the Transfer day).
- 2.2.3 Following discussions with GAD, SPPA have set the benefit design of pension credits for the former partner, which depend on the member's period of active service, as follows:

	Pension Credit Design
Member left before 1 April 2009	Pension and lump sum (but pension only if member has taken their lump sum)
Member joined on or after 1 April 2009	Pension only
Member with service before and after 1 April 2009	Pension and lump sum in respect of the member's CETV for service before 1 April 2009 (but pension only if the member has taken their lump sum); and Pension in respect of the member's CETV for service from 1 April 2009

- 2.3 This guidance is written on the basis that pension credit benefits are in line with SPPA's intentions, as described above.
- 2.4 Pension credit benefits can be taken on an actuarially reduced basis at or after age 60; further guidance is contained in the latest version of GAD's Early Retirement Guidance.
- 2.5 Pension and lump sum benefits are increased in accordance with the Pensions Increase Act with effect from the Transfer day.
- 2.6 If the pension credit member dies before the administering authority has awarded the pension credit, that liability may be discharged by the authority through the payment of a lump sum that is equal to 3 times the annual rate of the pension which would have been paid to the pension credit member.



3 Calculation of the Pension Credit

- 3.1 This section sets out the methodology for calculating the pension credit following the issue of a pension sharing order by the Court.
- 3.2 It is assumed that the cash equivalent of a member's benefit for divorce purposes has already been determined in accordance with the latest "Individual Incoming & Outgoing Transfers" or "Pensioner Cash Equivalent Factors on Divorce" guidance as appropriate.
- 3.3 The general principle is that the pension credited in the fund is actuarially equivalent to the proportion of the cash equivalent awarded to the former partner and the benefits the former partner would be entitled to under the LGPS Regulations.
- 3.4 The factors in this note should only be used to calculate the benefits for the former partner if they are the latest factors issued by MHCLG on the valuation date and the ESCE has been calculated using consistent factors (as described in 1.12 above). If there is any doubt over which factors should be used, please contact GAD.
- 3.5 The value of the pension credit is calculated in a manner which is consistent with the methodology and assumptions for incoming transfers from non-Club schemes under Regulation 79 of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 (SSI 2008/228); the benefit design, though, should reflect section 2 of this guidance (rather than 1/60ths in every case).
- 3.6 The methodology and instructions described in this note can be applied in respect of the benefits for the former spouse or civil partner of a Councillor member.

Appropriate Percentage

- 3.7 For divorces in Scotland, the pension sharing order will usually specify a monetary amount, which can be translated into a percentage of the member's benefits that the former partner will be entitled to (the "appropriate percentage"). This guidance note will refer to the 'appropriate percentage' rather than a monetary amount.
- 3.8 For divorces in England and Wales, the pension sharing order will specify the percentage of the member's benefits that the former partner will be entitled to (the 'appropriate percentage').
- 3.9 The former partner's cash equivalent ("ESCE") is determined by applying the appropriate percentage to the cash equivalent of the member's benefits for divorce purposes (see paragraph 3.2). The member's cash equivalent can be expressed as an amount for pre 1 April 2009 service; an amount for service between 1 April 2009 and 31 March 2015; and an amount for post 1 April 2015 service. The appropriate percentage can be applied to each of these elements separately, in order to express the ESCE as an amount in respect pre 1 April 2009 service ("ESCE₁"), an amount for service between 1 April 2009 and 31 March 2015 ("ESCE₂") and an amount for post 1 April 2015 service ("ESCE₃").



Calculation

- 3.10 There are two dates which are of relevance when determining the pension credits; the “Transfer day” and the “Valuation day”.
- Section 29(8) of the Act defines the Transfer day as the day on which the pension sharing order takes effect. (The Transfer day is sometimes also referred to as the Effective date.)
 - Section 34(1) of the Act defines the Implementation Period as the four month period that starts on the Transfer day, or if later, on the date the pension scheme has the prescribed information needed to implement the pension sharing order.
 - 4.7 Section 29 (7) of the Act defines the valuation day as a day within the implementation period specified by the administering authority by notice in writing to the pension debit member and pension credit member. (The Valuation date is sometimes referred to as the Implementation date or the Calculation date.)
- 3.11 The calculation of the pension credit will depend on:
- the age of the former partner (which should be as at the Transfer day)
Do not use the age and gender of the member.
 - whether the former partner is above or below age 65 at the Transfer day
 - whether the member has any service before 1 April 2009 and is therefore entitled to an automatic lump sum, and
 - whether the member had received their automatic lump sum prior to the Transfer day.



Pension credit calculation for former partner below age 65

- 3.12 If the member has **not** received their lump sum prior to the Transfer day, but is entitled to an automatic lump sum in respect of service before 1 April 2009, the pension credit as at the Transfer day will be:

Pension credit in respect of pre-1 April 2009 service:

$$PC_1 = ESCE_1 \div (F_P + 3 \times F_L)$$

Pension credit in respect of post 1 April 2009 service:

$$PC_2 = ESCE_2 \div F_P$$

$$\text{Total pension credit} = PC_1 + PC_2$$

Where:

ESCE₁ the former partner's cash equivalent in respect of service pre-1 April 2009

ESCE₂ the former partner's cash equivalent in respect of service post 1 April 2009

FP factor for pension for former partner from Table 6.1 (**Table 0-306 in the consolidated factors spreadsheet**) or 6.2 (**Table 0-307 in the consolidated factors spreadsheet**).

FL factor for lump sum for former partner from Table 6.1 (**Table 0-306 in the consolidated factors spreadsheet**) or 6.2 (**Table 0-307 in the consolidated factors spreadsheet**).

A lump sum of three times the annual pension credit in respect of pre-1 April 2009 service (i.e. 3 x PC₁) will also be due to the former partner at age 65 (or earlier if benefits are taken on an actuarially reduced basis).

If a member has pre-1 April 2009 service only, **PC₂** should be set to zero.

- 3.13 If the member **has** received their lump sum prior to the Transfer day or has no service before 1 April 2009, the former partner is not entitled to a lump sum, and the pension credit as at the Transfer day will be:

$$\text{Pension credit} = ESCE \div F_P$$

Where:

ESCE the former partner's cash equivalent (see paragraph 3.9 of this note)

FP factor for pension for former partner from Table 6.1 (**Table 0-306 in the consolidated factors spreadsheet**) or 6.2 (**Table 0-307 in the consolidated factors spreadsheet**).



Pension credit calculation for former partner at age 65 or above

- 3.14 If the member has not received their automatic lump sum prior to the Transfer day, but is entitled to an automatic lump sum in respect of service before 1 April 2009, the pension credit as at the Transfer day will be:

Pension credit in respect of pre-1 April 2009 service:

$$PC_1 = ESCE_1 \div F_P$$

Pension credit in respect of service after 1 April 2009:

$$PC_2 = ESCE_2 \div F_P$$

$$\text{Total credit} = PC_1 + PC_2$$

Where:

ESCE1 the former partner's cash equivalent in respect of service pre 1 April 2009

ESCE2 the former partner's cash equivalent in respect of service after 1 April 2009

FP factor for pension for former partner from Table 7.1 (**Table 0-308 in the consolidated factors spreadsheet**) or 7.2 (**Table 0-309 in the consolidated factors spreadsheet**).

A lump sum of three times the annual pension credit in respect of pre-1 April 2009 service (i.e. 3 x PC₁) will be also due to the former partner in addition to the credit so determined.

If a member has pre-1 April 2009 service only, **PC₂** should be set to zero.

- 3.15 If the member **has** received their automatic lump sum prior to the Transfer day or has no service before 1 April 2009, the former partner is not entitled to a lump sum, and the pension credit as at the Transfer day will be:

$$\text{Pension credit} = ESCE \div F_P$$

Where:

ESCE the former partner's cash equivalent (see paragraph 3.9 of this note)

FP factor for pension for former partner from Table 7.1 (**Table 0-308 in the consolidated factors spreadsheet**) or 7.2 (**Table 0-309 in the consolidated factors spreadsheet**).



4 Examples

4.1 **EXAMPLE 1: Pension credit calculation for a former partner aged under 65 where the member has service before and after 1 April 2009 but has not received their lump sum**

Former partner data:

Date of birth:	1 March 1979
Sex:	Female
Transfer day:	1 December 2019
Age at Transfer day:	40

Factors (Female former partner aged 40 last birthday at Transfer day)

Gross pension factor (NRA 65) – Table 6.2	F_P	9.74
Lump sum factor (NRA 65) – Table 6.2	F_L	0.56

Calculations

CETV in respect of service before 1 April 2009 =	£60,643.90
CETV in respect of service from 1 April 2009 =	£15,160.98
Total CETV	£75,804.88
Appropriate percentage =	50%
ESCE ₁ = 50% x £60,643.90 =	£30,321.95
ESCE ₂ = 50% x £15,160.98 =	£7,580.49
Pension credit from age 65 in respect of service pre-1 April 2009: PC ₁ = ESCE ₁ ÷ (F _P + 3 x F _L) =	£2,655.16pa
Pension credit from age 65 in respect of service post 1 April 2009: PC ₂ = ESCE ₂ ÷ F _P =	£778.28pa
Total pension credit = PC ₁ + PC ₂ =	£3,433.44pa
Lump sum at age 65 in respect of pre-1 April 2009 service = 3 x PC ₁ =	£7,965.48



4.2 **EXAMPLE 2: Pension credit calculation for a former partner aged under 65 where the member has no service after 1 April 2009 and has not received their lump sum**

Former partner data:

Date of birth: 1 March 1975
Sex: Male
Transfer day: 1 December 2020
Age at Transfer day: 45

Factors (Male former partner aged 45 last birthday at Transfer day)

Gross pension factor (NRA 65) – Table 6.1	F_P	10.84
Lump sum factor (NRA 65) – Table 6.1	F_L	0.63

Calculations

CETV (all pre 1 April 2009) £50,000.00

Appropriate percentage = 40%

ESCE₁ = 40% x £50,000.00 = £20,000.00

Pension credit from age 65 in respect of service pre 1 April 2009:
PC₁ = ESCE₁ ÷ (F_P + 3 x F_L) = **£1,571.09pa**

Lump sum at age 65 in respect of pre-1 April 2009 service = 3 x PC₁ = **£4,713.27**



4.3 **EXAMPLE 3: Pension credit calculation for a former partner aged under 65 where the member has no service before 1 April 2009**

Former partner data:

Date of birth: 1 April 1974
Sex: Female
Transfer day: 1 December 2019
Age at Transfer day: 45

Factors (Female former partner aged 45 last birthday at Transfer day)

Gross pension factor – Table 6.2	F_P	10.84
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Calculations

CETV (all post 1 April 2009) = **£13,895.43**
Appropriate percentage = 50%
ESCE = 50% x £13,895.43 = £6,947.72
Pension credit from age 65 = ESCE ÷ F_P = **£640.93pa**

In this example the member is not entitled to an automatic lump sum and therefore the former partner is not entitled to a lump sum either.



4.4 EXAMPLE 4: Pension credit calculation for a former partner aged over 65 and here the member has received their lump sum (or had no automatic entitlement to a lump sum in respect of service before 1 April 2009)

Former spouse data:

Date of birth: 1 January 1945
Sex: Female
Transfer day: 1 December 2020
Age at Transfer day: 75

Factors (Female former partner aged 75 last birthday at Transfer day)

Gross pension factor – Table 7.2	F_P	10.82
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Calculations

CETV = **£105,602.35**
Appropriate percentage = 50%
ESCE = 50% x £105,602.35 = £52,801.18
Pension credit payable immediately = ESCE ÷ F_P = **£4,879.96 pa**

In this example, the member had already received their lump sum by the Transfer day (or was not entitled to one because of no service before 1 April 2009) so therefore the former partner is not entitled to a lump sum.



Appendix A: Assumptions underlying factors

Financial assumptions

Nominal discount rate	4.448%
CPI	2.00%
Real discount rate (in excess of CPI)	2.40%

Mortality assumptions

Base mortality tables and adjustments – normal health	122% of S2NMA (Males) and 117% of S2NFA (Females) (as per 2017 valuation)
Base mortality tables and adjustments – ill health	137% of S2NMA (Males) and 131% of S2NFA (Females) (as per 2017 valuation)
Base mortality tables and adjustments – dependants	159% of S2NMA (Males) and 131% of S2NFA (Females) (as per 2017 valuation)
Future mortality improvement	Based on ONS principal UK population projections 2016
Year of Use	2020

Other assumptions

Proportion of male members for unisex factors	40%
Allowance for commutation	Nil except for mandatory lump sum cases



Appendix B: Factors applicable to former partners below age 65

Table 6.1 (Table 0-306 in the consolidated factors spreadsheet) – Males

Age last birthday at relevant date	Gross Pension of £1 per annum	Lump Sum of £1
16	5.89	0.32
17	6.01	0.32
18	6.14	0.33
19	6.27	0.34
20	6.40	0.35
21	6.54	0.36
22	6.67	0.36
23	6.81	0.37
24	6.96	0.38
25	7.10	0.39
26	7.25	0.40
27	7.41	0.41
28	7.56	0.42
29	7.72	0.43
30	7.88	0.44
31	8.05	0.45
32	8.22	0.46
33	8.40	0.47
34	8.57	0.49
35	8.76	0.50
36	8.94	0.51
37	9.13	0.52
38	9.33	0.53
39	9.53	0.55
40	9.74	0.56
41	9.95	0.57
42	10.16	0.59
43	10.38	0.60
44	10.61	0.62
45	10.84	0.63
46	11.08	0.64
47	11.33	0.66
48	11.58	0.68
49	11.83	0.69
50	12.10	0.71
51	12.37	0.73
52	12.65	0.74
53	12.94	0.76
54	13.24	0.78
55	13.55	0.80



Age last birthday at relevant date	Gross Pension of £1 per annum	Lump Sum of £1
56	13.87	0.82
57	14.20	0.84
58	14.55	0.86
59	14.90	0.88
60	15.28	0.90
61	15.67	0.92
62	16.07	0.94
63	16.50	0.97
64	16.94	0.99

Notes

The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Table 6.2 (Table 0-307 in the consolidated factors spreadsheet) – Females

Age last birthday at relevant date	Gross Pension of £1 per annum)	Lump Sum of £1
16	5.89	0.32
17	6.01	0.32
18	6.14	0.33
19	6.27	0.34
20	6.40	0.35
21	6.54	0.36
22	6.67	0.36
23	6.81	0.37
24	6.96	0.38
25	7.10	0.39
26	7.25	0.40
27	7.41	0.41
28	7.56	0.42
29	7.72	0.43
30	7.88	0.44
31	8.05	0.45
32	8.22	0.46
33	8.40	0.47
34	8.57	0.49
35	8.76	0.50
36	8.94	0.51
37	9.13	0.52
38	9.33	0.53
39	9.53	0.55
40	9.74	0.56
41	9.95	0.57
42	10.16	0.59
43	10.38	0.60
44	10.61	0.62
45	10.84	0.63
46	11.08	0.64
47	11.33	0.66
48	11.58	0.68
49	11.83	0.69
50	12.10	0.71
51	12.37	0.73
52	12.65	0.74
53	12.94	0.76
54	13.24	0.78
55	13.55	0.80
56	13.87	0.82



Age last birthday at relevant date	Gross Pension of £1 per annum	Lump Sum of £1
57	14.20	0.84
58	14.55	0.86
59	14.90	0.88
60	15.28	0.90
61	15.67	0.92
62	16.07	0.94
63	16.50	0.97
64	16.94	0.99

Notes

The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Appendix C: Factors applicable to former partners age 65 or above

Table 7.1 (Table 0-308 in the consolidated factors spreadsheet) – Males

Age last birthday at relevant date	Member's Pension of £1 per annum
65	16.87
66	16.27
67	15.67
68	15.06
69	14.44
70	13.83
71	13.21
72	12.59
73	11.99
74	11.39
75	10.82
76	10.25
77	9.69
78	9.14
79	8.59
80	8.06
81	7.53
82	7.02
83	6.52
84	6.04
85	5.58
86	5.14
87	4.73
88	4.35
89	3.99
90	3.67
91	3.36
92	3.08
93	2.82
94	2.59
95	2.38

Note

The factor should reflect the age and gender of the former partner on the Transfer day (not the age and gender of the member).



Table 7.2 (Table 0-309 in the consolidated factors spreadsheet) – Females

Age last birthday at relevant date	Member's Pension of £1 per annum
65	16.87
66	16.27
67	15.67
68	15.06
69	14.44
70	13.83
71	13.21
72	12.59
73	11.99
74	11.39
75	10.82
76	10.25
77	9.69
78	9.14
79	8.59
80	8.06
81	7.53
82	7.02
83	6.52
84	6.04
85	5.58
86	5.14
87	4.73
88	4.35
89	3.99
90	3.67
91	3.36
92	3.08
93	2.82
94	2.59
95	2.38

Note

The factor should reflect the age and gender of the former partner on the Transfer day (not the age and gender of the member).



Appendix D: Limitations

- D.1 This guidance should not be used for any purpose other than those set out in this guidance.
- D.2 The factors contained in this guidance are subject to regular review. Scheme managers and administrators need to ensure that they are using the latest factors, as relevant, when processing cases.
- D.3 Advice provided by GAD must be taken in context and is intended to be considered in its entirety. Individual sections, if considered in isolation, may be misleading, and conclusions reached by a review of some sections on their own may be incorrect. GAD does not accept responsibility for advice that is altered or used selectively. Clarification should be sought if there is any doubt about the intention or scope of advice provided by GAD.
- D.4 This guidance only covers the actuarial principles around the calculation of the pension credit to be awarded to a former partner after a member's pension is subjected to a pension sharing order. Any legal advice in this area should be sought from an appropriately qualified person or source.
- D.5 Scheme managers and administrators should satisfy themselves that divorce pension credit calculations and benefit awards comply with all legislative requirements including, but not limited to, tax and contracting-out requirements.
- D.6 This guidance is based on the Regulations in force at the time of writing. It is possible that future changes to the Regulations might create inconsistencies between this guidance and the Regulations. If users of this guidance believe there to be any such inconsistencies, they should bring this to the attention of SPPA and GAD. Under no circumstances should this guidance take precedence over the Regulations. Administrators should ensure that they comply with all relevant Regulations.