

2020 No. 502

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

The Local Government Pension Scheme (Northumberland and Tyne and Wear Pension Fund Merger) Regulations 2020

<i>Made</i> - - - -	<i>12th May 2020</i>
<i>Laid before Parliament</i>	<i>14th May 2020</i>
<i>Coming into force</i> - -	<i>3rd June 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1, 2(1) and 3 of, and paragraph 3(a) of Schedule 2 and paragraph 11 of Schedule 3 to, the Public Service Pensions Act 2013(a).

In accordance with section 21 of that Act, the Secretary of State has consulted such persons, and the representatives of such persons, as appeared to the Secretary of State to be likely to be affected by these Regulations(b).

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Northumberland and Tyne and Wear Pension Fund Merger) Regulations 2020.

(2) These Regulations come into force on 3rd June 2020 but have effect from 1st April 2020.

(3) In these Regulations—

“the 2013 Regulations” means the Local Government Pension Scheme Regulations 2013(c);

“the Earlier Regulations” has the meaning given by regulation 1(6) of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(d);

“the merger date” means 1st April 2020;

“Northumberland” means Northumberland County Council;

“South Tyneside” means the Council of the Borough of South Tyneside; and

other expressions have the same meaning as in the 2013 Regulations.

(a) 2013 c.25. See section 28 of the Act which provides for regulations made under section 7 of the Superannuation Act 1972 (c. 11) to have effect as scheme regulations under section 3 of the Act.

(b) A statement of the persons whom the Secretary of State would normally expect to consult has been published and can be found at <https://www.gov.uk/government/publications/local-government-pension-scheme-regulations-information-on-who-should-be-consulted/local-government-pension-scheme-regulations-information-on-persons-to-be-consulted>.

(c) S.I. 2013/2356.

(d) S.I. 2014/525.

Modification of the 2013 Regulations

2. From the merger date, the 2013 Regulations apply in relation to Northumberland and to South Tyneside with the following modifications—

- (a) in paragraph 1(a) of Part 1 of Schedule 3 (pension funds), the reference to a county council does not include a reference to Northumberland;
- (b) regulation 103 (changes of administering authority) does not apply in relation to the transfer of assets and liabilities described in regulation 3(1) of these Regulations; and
- (c) the table in Part 2 of Schedule 3 (pension funds) applies as if for any person for whom the appropriate administering authority had been or would be Northumberland, the appropriate administering authority is South Tyneside.

Transfer of assets, liabilities and responsibilities

3.—(1) On the merger date all assets and liabilities of the pension fund maintained by Northumberland become the assets and liabilities of the pension fund maintained by South Tyneside.

(2) No later than 3 months after the date these Regulations come into force, Northumberland and South Tyneside must publish a statement setting out the assets and liabilities of their respective pension funds immediately before the merger date.

(3) On and after the merger date—

- (a) any payment received by Northumberland relating to its function as an administering authority for the Northumberland local government pension fund before that date, must be paid into the pension fund maintained by South Tyneside; and
- (b) any payment due to be made by Northumberland relating to its function as an administering authority for the Northumberland local government pension fund which had not been made before that date, must be paid from the pension fund maintained by South Tyneside.

(4) Any question concerning the rights or liabilities of any person under the 2013 Regulations or the Earlier Regulations which was decided by Northumberland before the merger date is deemed to be a decision of South Tyneside for the purposes of any challenge to a decision.

(5) Any question concerning the rights or liabilities of any person under the 2013 Regulations or the Earlier Regulations which was due to be decided by Northumberland but which was not decided before the merger date, must be decided by South Tyneside.

(6) South Tyneside must be substituted for Northumberland in any instruments, contracts or legal proceedings which relate to any of Northumberland's functions as an administering authority for the Northumberland local government pension fund which were made or commenced before the merger date.

(7) Any arrangements under regulation 17 of the 2013 Regulations (additional voluntary contributions) under a scheme established by Northumberland continue to have effect as if they had been entered into under a scheme established by South Tyneside.

We consent to the making of these Regulations.

Maggie Throup
Iain Stewart

11th May 2020

Two of the Lords Commissioners of Her Majesty's Treasury

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Simon Clarke
Minister of State

12th May 2020

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the merger of the local government pension funds held by Northumberland County Council (“Northumberland”) and South Tyneside Borough Council (“South Tyneside”). Regulation 2 modifies the Local Government Pension Scheme Regulations 2013 with the effect that from 1st April 2020 Northumberland is no longer required to maintain a fund for the purposes of the Local Government Pension Scheme.

Regulation 3 provides that all assets and liabilities relating to the fund held by Northumberland up to that date are transferred to South Tyneside which becomes the appropriate administering authority for all members of the Scheme for whom the appropriate administering authority was previously Northumberland.

No impact assessment has been produced for these Regulations because no impact on the private or voluntary sectors is foreseen.

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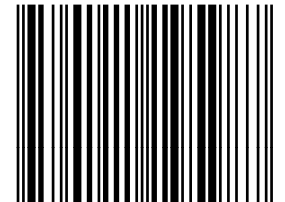
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.90

UK202005121012 05/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/502>

ISBN 978-0-11-119598-7



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