

## ENGLAND AND WALES

**Discretions from 1.4.08. in relation to post 31.3.08. active members (excluding councillor members) and post 31.3.08. leavers (excluding councillor members), being discretions under:**

- **the Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]**
- **the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [prefix B]**
- **the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]**
- **the Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]**

<b>Discretion</b>	<b>Regulation</b>	<b>Exercised by</b>
To whom to offer membership of the LGPS (designation bodies)	<b>A4(3) &amp; ASch2(Pt2) &amp; A8(1)</b>	Employer
Whether to agree to an admission agreement with a community body	<b>A5(1) &amp; A7(4)</b>	Admin. Authority
Whether to approve a community admitted body under <b>A5(2)(a)(ii)</b>	<b>A5(2)(a)(ii) &amp; A5(3)</b>	Secretary of State
Whether to agree to an admission agreement with a transferee body	<b>A6(1) &amp; A6(10)(a)</b>	Transferor employer
Define what is meant by "employed in connection with"	<b>A6(12)</b>	Transferor employer
Whether to approve a transferee admitted body under <b>A6(2)(b)</b>	<b>A6(2)(b) &amp; A6(4)</b>	Secretary of State
Which employees to nominate for membership (admission bodies)	<b>A7(1) &amp; A12(6)</b>	Employer
Whether to agree to an admission agreement with a Care Trust or NHS Scheme employing authority	<b>A12(6)</b>	Admin. Authority
Whether to terminate a transferee admission agreement in the event of <ul style="list-style-type: none"> <li>- insolvency, winding up or liquidation of the body</li> <li>- breach by that body of its obligations under the admission agreement</li> <li>- failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so</li> </ul>	<b>ASch3, para 10</b>	Admin. Authority

Whether to set off against payments due to a transferee admission body any sums due to the Fund by that body	<b>ASch3, para 12(b)</b>	Transferor employer
Whether to extend the 12 month option period for aggregation of deferred benefits	<b>A16(4)(b)(ii)</b>	Employer
Determine rate of employees' contributions	<b>B3 &amp; T9</b>	Employer
Allow an "outsourced" manual worker to make a late option to continue to pay 5% contribution rate upon return to the LGPS (where option is made more than 30 days after rejoining the LGPS) <b>NB:</b> it would appear from <b>T9</b> that the protection to pay the manual worker rate under <b>L14</b> only continues to 31.3.11. for those who were active members at both 31.3.08. and 1.4.08. but not to those who left before 1.4.08. and return after then. This is not logical.	<b>T9 &amp; L12(3) &amp; L14(3)(b)</b>	Employer
Frequency of payment of member's contributions	<b>B3(11)</b>	Admin. Authority
Specify in an employee's contract what other payments or benefits, other than those specified in <b>B4(1)(a)</b> and not otherwise precluded by <b>B4(2)</b> or (3), are to be pensionable	<b>B4(1)(b)</b>	Employer
Whether to recover employee contributions that had been reduced or waived after 40 years pensionable local government service prior to the deletion of <b>L15</b> by SI 2006/966	Reg 8 of SI 2006/966	Employer
Whether to extend normal 12 month period following end of relevant reserve forces leave for "Cancelling notice" to be submitted requesting that the service should not be treated as relevant reserve forces service	<b>A19(8)(b)</b>	Admin. Authority
Whether to allow a late application by member to pay optional contributions for a period of unpaid child related leave, strike, or unpaid leave of absence beyond 30 days	<b>A22(2)</b>	Employer
Whether to augment membership of an active member (by up to 10 years)	<b>B12*</b>	Employer

Whether to grant additional pension to a member (by up to £5,000 p.a.)	<b>B13*</b>	Employer
Agree method of paying for augmented membership granted under <b>B12</b> or additional pension granted under <b>B13</b>	<b>A40(2) &amp; (4)</b>	Employer / Admin. Authority
Whether to extend the one month period within which a lump sum payment by the employer under <b>A40(2)</b> has to be made (to pay for any augmented membership granted under <b>B12</b> or additional pension granted under <b>B13</b> )	<b>A40(9)(b)</b>	Employer / Admin. Authority
Whether to require a satisfactory medical before agreeing to an additional regulation contribution (ARC) election under <b>B14</b>	<b>A23(3)</b>	Admin. Authority
Whether, how much, and in what circumstances to contribute to a shared cost AVC scheme	<b>A25(3) &amp; B15(3)</b>	Employer
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	<b>A28(2)</b>	Admin. Authority
Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership	<b>TSch1 &amp; L66(8) &amp; form L66(9)(b)</b>	Employer
<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 of reference, 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 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</p>	<b>A31*</b>	Admin. Authority

so comply, state the reasons for not complying.		
Whether to set up a separate admission agreement fund	<b>A32(1)</b>	Admin. Authority
Decide on Funding Strategy for inclusion in funding strategy statement	<b>A35*</b>	Admin. Authority
Whether to obtain revision of employer's contribution rate on termination of an admission agreement where underfunding not met by insurer, bond or indemnity	<b>A38(3)</b>	Admin. Authority
Whether to obtain revision of employer's contribution rate with a view to ensure no underfunding by time admission agreement terminates	<b>A38(4)</b>	Admin. Authority
Whether to require any strain on Fund costs to be paid "up front" by employing authority following redundancy, flexible retirement, or the waiver (in whole or in part) of any actuarial reduction on flexible retirement (but not waiver of reduction in full on compassionate grounds). <b>NB:</b> there is no provision equivalent to that in regulation 80(5) of the 1997 Regulations which permits strain on Fund costs to be charged for early voluntary retirements (i.e. after age 50/55 and before age 60).	<b>A41(2)</b>	Admin. Authority
Decide frequency of payments to be made over to Fund by employers.	<b>A42(1)</b>	Admin. Authority
Decide form and frequency of information to accompany payments to the Fund	<b>A42(4)</b>	Admin. Authority
Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance	<b>A43</b>	Admin. Authority
Whether to charge interest on payments by employers overdue by more than 1 month	<b>A44(1)</b>	Admin. Authority
Extend time period for capitalisation of added years contract	<b>TSch1 &amp; L83(5)</b>	Admin. Authority
No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made	<b>A47(2)</b>	Employer

Employer may deduct contributions from an employee's pay or reserve forces pay	<b>A45(1) &amp; (2)</b>	Employer
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits	<b>A45(3)</b>	Admin. Authority
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund	<b>A49(1) &amp; (2)</b>	Employer
Can 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	<b>A52(2)</b>	Admin. Authority
Approve medical advisors used by employers (for ill health benefits)	<b>A56(2)</b>	Admin. Authority
Whether to extend six month period to lodge a stage one IDRPs appeal	<b>A58(7)(b)</b>	Person making stage one IDRPs decision
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	<b>A60(8)</b>	Admin. Authority
Whether admin. authority should appeal against employer decision (or lack of a decision)	<b>A63(2)</b>	Admin. Authority
Whether to extend six month period for admin. authority to lodge an appeal against an employer decision	<b>A63(3)(b)</b>	Secretary of State
Specify information to be supplied by employers to enable admin. authority to discharge its functions	<b>A64(1)(b)</b>	Admin. Authority
Whether to have a written pensions administration strategy and, if so, the matters it should include	<b>A65(1) &amp; (2)</b>	Admin. Authority
Communication policy must set out policy on communicating with members, representatives of members, prospective members and employing authorities and format, frequency and method of communications	<b>A67*</b>	Admin. Authority
Date to which benefits shown on annual benefit statement are calculated	<b>A68</b>	Admin. Authority
Decide policy on abatement of pensions following re-employment	<b>A70(1)* &amp; A71(4)(c) &amp; T12</b>	Admin. Authority

Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence)	<b>A72(1) &amp; (6)</b>	Employer
Whether to issue a forfeiture certificate	<b>A72(1)</b>	Secretary of State
Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	<b>A72(3)</b>	Employer
Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	<b>A73(1) &amp; (2)</b>	Employer
Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment	<b>A74(2)</b>	Employer
Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left because of that), or amount of refund if less	<b>A76(2) &amp; (3)</b>	Employer
Agree to bulk transfer payment	<b>A81(1)(b)</b>	Employer / Admin. Authority
Determine adjustments to bulk transfer payment	<b>A82(2)</b>	Fund actuary
Determine who should bear bulk transfer actuarial costs (where more than one employing authority is involved in the transfer)	<b>A82(5)</b>	Fund actuary
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	<b>A83(8)</b>	Employer
Allow transfer of pension rights into the Fund	<b>A83(9)</b>	Admin. authority
Agree bulk inter fund adjustment terms (where 10 or more members affected by a single event)	<b>A86(3)</b>	Actuaries for both Funds

Whether to extend normal time limit for acceptance of restitution transfer value beyond 12 months from joining the LGPS	<b>TSch1 &amp; L122A(2)(c)</b>	Admin. Authority
Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31 <sup>st</sup> March in the 10 years prior to leaving	<b>B11(2)</b>	Employer
Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	<b>B18(1)*</b>	Employer
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	<b>B18(3)*</b>	Employer
Decide which ill health tier leaver falls into	<b>B20</b>	Employer
Whether to grant application for early payment of benefits on or after age 50/55 and before age 60	<b>B30(2)*</b>	Employer
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early	<b>B30(5)*</b>	Employer
Decide whether deferred beneficiary meets permanent ill health criteria	<b>B31</b>	Employer
Decide to whom death grant is paid	<b>B23(2) &amp; B32(2) &amp; B35(2) &amp; TSch1 &amp; L155(4)</b>	Admin. Authority
Decide evidence required to determine financial dependence of nominated co-habitee on scheme member or financial interdependence of nominated co-habitee and scheme member	<b>B25</b>	Admin. Authority
Decide to treat child as being in continuous education or training despite a break	<b>B26(5)(a)</b>	Admin. Authority
Decide to suspend child's pension during a break in education or training	<b>B26(5)(b)</b>	Admin. Authority
Decide whether to commute small pension	<b>B39 &amp; T14(3)</b>	Admin. Authority
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	<b>B42(1)(c)</b>	Admin. Authority

Whether to accept a partial restitution payment	TSch1 & L122A(8)	Admin. Authority
How to discharge Pension Credit liability	TSch1 & L147	Admin. Authority

\* These are matters about which the regulations require there must be a written policy.

### **Discretions under the Local Government Pension Scheme Regulations 1997 (as amended) in relation to active councillor members and pre 1.4.08. scheme leavers**

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>
Allow a councillor who has opted out more than once to rejoin	7(9)(a)	Employer
Frequency of payment of councillors' contributions	12(5)	Admin. Authority
Extend normal 12 month period following end of relevant reserve forces leave for "Cancelling notice" to be submitted by a councillor member requesting that the service should not be treated as relevant reserve forces service	17(4),(7),(8), & 89(4) & Sch 1	Admin. Authority
Allow a late application by a councillor member to pay optional contributions for a period of absence	18(6) & (7)	Employer
Grant application from a post 31.3.98. / pre 1.4.08. leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60	31(2)*	Employer
Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98. / pre 1.4.08. leaver or a councillor leaver	31(5)*	Employer
Councillor optants out and pre 1.4.08. employee optants out only to get benefits paid from NRD if employer agrees	31(7A)*	Employer
Whether to extend 12 month period for aggregation of deferred benefits (where deferred councillor member wishes to aggregate with current councillor membership in the same Fund)	32(8A)	Employer
Decide, in the absence from a post 31.3.98. / pre 1.4.08. leaver of an election from the member within 3 months of being able to	34(1)(b)	Employer

elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership		
Decide to whom death grant is paid in respect of councillor members and post 31.3.98. / pre 1.4.08. leavers	38(1) & 155(4)	Admin. Authority
Treat child as being in continuous education or training despite a break (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	44(3)	Admin. Authority
Apportionment of children's pension amongst eligible children (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	47(1)	Admin. Authority
Pay child's pension to another person for the benefit of the child (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	47(2)	Admin. Authority
Agree to commutation of small pension (pre 1.4.08. leavers or pre 1.4.08. Pension Credit members)	49 & 156	Admin. Authority
Commute benefits due to exceptional ill-health (councillor members, pre 1.4.08. leavers and pre 1.4.08. Pension Credit members)	50 and 157	Admin. Authority
Whether acceptance of AVC election is subject to a minimum payment (councillors only)	60(5)	Admin. Authority
Whether to require any strain on Fund costs to be paid "up front" by employing authority following early voluntary retirement of a councillor (i.e. after age 50/55 and before age 60), or early payment of a deferred benefit on health grounds or from age 50 with employer consent (pre 1.4.08. leavers).	80(5)	Admin. Authority
Frequency of employer's payments to the fund (in respect of councillor members).	81(1)	Admin. Authority
Form and frequency of information to accompany payments to the Fund (in respect of councillor members)	81(5)	Admin. Authority
Interest on payments by employers overdue by more than 1 month (in respect of councillor members)	82(1)	Admin. Authority

No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (councillors and pre 1.4.08. leavers)	88(2)	Employer
Employer may deduct contributions from an councillor's pay or reserve forces pay	89(1) & (2)	Employer
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits (councillors and pre 1.4.08. leavers)	89(3)	Admin. Authority
Timing of pension increase payments by employers to fund (pre 1.4.08. leavers)	91(6)	Admin. Authority
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor leavers and pre 1.4.08. leavers)	92	Employer
Pay death grant due to personal representatives without need for grant of probate / letters of administration (death of councillor or pre 1.4.08. leaver)	95	Admin. Authority
Approve medical advisors used by employers (re ill health benefits for councillors and re pre 1.4.08. preserved benefits payable on health grounds)	97(10)	Admin. Authority
Decide procedure to be followed by admin authority when exercising its IDRPs functions and decide the manner in which those functions are to be exercised (councillors and pre 1.4.08. leavers)	99	Admin. Authority
Appeal against employer decision, or lack of a decision (councillors and pre 1.4.08. leavers)	105(1)	Admin. Authority
Extend appeal period under reg 105	105(2)	Secretary of State
Abatement of pensions following re-employment (councillors and pre 1.4.08. leavers)	109* & 110(4)(b)	Admin. Authority
Forfeiture of pension rights on issue of Secretary of State's certificate (councillors and pre 1.4.08. leavers)	111(2) & (5)	Employer
Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (councillors and pre 1.4.08. leavers)	112(1)	Employer

Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (councillors and pre 1.4.08. leavers)	113(2)	Employer
Recovery from Fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.4.08. leavers)	115(2) & (3)	Employer
Retention of CEP where member transfers out (councillors and pre 1.4.08. leavers)	118	Admin. Authority
Discharge Pension Credit liability (in respect of Pension Sharing Orders for councillors and pre 1.4.08. Pension Sharing Orders for non-councillor members)	147	Admin. Authority

\*These are matters about which the regulations require there must be a written policy.

### **Discretions under the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 (as amended)**

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>
Extending time limit for repayment of a previous refund (1.4.74. to 31.12.79)	17(3)	Former employer and new Admin. authority
Whether to pay spouse's pensions for life for pre 1.4.98 retirees / deferreds who die on or after 1.4.98.	Para 21 of Sch 3	Admin. authority

Note: the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 have been revoked by regulation 2 and Schedule 1 of the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238]. However, the LGPC Secretariat has raised a concern over the revocation given that there are various provisions in those regulation that appear to still be of relevance to active members post 31 March 2008. The Secretariat is seeking clarification from CLG.

### **Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to pre 1.4.98. scheme leavers**

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>
Grant application from a pre 1.4.98. leaver for early payment of deferred benefits on or after age 50 on compassionate grounds	D11(2)(c)	Employer

Decide, in the absence from a pre 1.4.98. leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership	D10	Employer
Decide to whom death grant is paid in respect of pre 1.4.98. leavers	E8	Admin. Authority
Treat child as being in continuous education or training despite a break (children of pre 1.4.98. leavers)	G1	Admin. Authority
Apportionment of children's pension amongst eligible children (children of pre 1.4.98. leavers)	G11(1)	Admin. Authority
Pay child's pension to another person for the benefit of the child (children of pre 1.4.98. leavers)	G11(2)	Admin. Authority

### **Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)**

Under Regulation 7 of the Discretionary Compensation Regulations, each authority (other than an Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to:

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>
To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit.	5	Employer
To award lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.	6	Employer
To award compensatory added years to a person aged 50 or over with 5 or more years membership (or notional membership) of the LGPS in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment which occurred after 30 <sup>th</sup> September 2006 and before 1 <sup>st</sup> April 2007 (but only if employment had commenced pre 1 <sup>st</sup> October 2006)	11(2)	Employer

**Note:** 'local government' means employment with an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body). Technically, an employee of an Admitted Body (i.e. a body that has applied to the administering authority to allow its employees to join the LGPS and has entered into a formal admission agreement) is only employed in 'local government' if he / she is a member of the LGPS.

Formulating and publishing a policy under the Discretionary Compensation Regs 2006

The employer must formulate, publish and keep under review a statement of their policy.

If the employer decides to amend the policy, no change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

**Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)**

Under Regulation 26 of the Discretionary Compensation Regulations, each authority (other than an Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to:

How to apportion any surviving spouse's or civil partner's annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner	21(4)	Employer
How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable	25(2)	Employer

under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children		
Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid	21(7)	Employer
If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation	21(5)	Employer
Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government	17	Employer
How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government	19	Employer
Agree to pay annual compensation on behalf of employer and recharge payments to employer	31(2)	Admin. Authority

**Note:** 'local government' means employment with an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body). Technically, an employee of an Admitted Body (i.e. a body that has applied to the administering authority to allow its employees to join the LGPS and has entered into a formal admission agreement) is only employed in 'local government' if he / she is a member of the LGPS.

## Formulating and publishing a policy under the Discretionary Compensation Regs 2000

The employer must formulate, publish and keep under review a statement of their policy.

If the employer decides to amend the policy, a new written statement must be published within a month of when the employer decided on the amendment(s). No change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

## **Discretions under the Local Government (Discretionary Payments) Regulations 1996 (as amended)**

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>
Amount of injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	34(2) and 38	Employer
Suspend or discontinue injury allowance if person becomes capable of working again	34(4)	Employer
Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	35(3) and 38	Employer
Amount and duration of injury allowance following cessation of employment where reg 35 payment was being made but reg 34 does not apply.	36	Employer
Amount and duration of a dependant's, spouse's or civil partner's injury allowance following death of	37(3), 37(6) and 38	Employer

employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.		
Reinstate spouse's or civil partner's injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership	37(4)	Employer
Amount of death in service gratuity payable to surviving dependant, spouse or civil partner	40	Employer
Amount of retirement gratuity payable	41	Employer
Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of annuity payments fall short of their capital value at date of award	41(4)	Employer
Amount of redundancy gratuity payable	42	Employer
Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of redundancy annuity payments fall short of their capital value at date of award	42(4)	Employer
Amount of gratuity payable to any other surviving dependant, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award	42(7)	Employer
Formulate and keep under review the injury allowance and gratuity policies to be operated by the authority	46A	Employer

### **Discretions under the Local Authorities (Members' Allowances) (England) Regulations 2003 [SI 2003/1021]**

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>
Scheme of allowances made by a district council, county council or London borough council must specify which members will be eligible to join the LGPS and whether the basic and / or special responsibility allowances will be pensionable	11	Relevant Authority

## Discretions under the Local Authorities (Allowances for Members) (Wales) Regulations 2007 [SI 2007/1086]

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>
Scheme of allowances made by a county council or county borough council must specify which members will be eligible to join the LGPS and that the basic and special responsibility allowances will be pensionable	38	Relevant Authority

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