



# Government Actuary's Department

## **Local Government Pension Scheme (Scotland)**

### **Annual Allowance Charges: Calculation of Scheme Pays Offset (elections on and after 1 April 2015)**

Date: 26 February 2015

Authors: Ian Boonin FIA  
Neville Hosegood FIA



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## 1 Introduction

- 1.1 The Scottish Ministers are required to issue actuarial guidance in respect of the Local Government Pension Scheme ('the Scheme', or 'LGPS') on the reduction of a member's pension rights following an election for an Annual Allowance charge to be met by the Scheme.
- 1.2 This document sets out the general method for assessing a pension offset, under Regulation 84(2) of the Local Government Pension Scheme (Scotland) Regulations 2014 ('the 2014 Regulations') (SSI 2014/164), that is applied to a LGPS member who incurs an Annual Allowance charge (as defined in Section 227 of the Finance Act 2004) and subsequently elects, under Regulation 84(1) of the 2014 Regulations, for the Scheme to meet part, or all, of this charge through the "Scheme pays" mechanism.
- 1.3 In accordance with Regulation 16 of the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 ("the 2015 Scheme Transitional Regulations") (SSI 2014/233), a pension offset determined on or after 1 April 2015 can apply to benefits earned prior to 1 April 2015.
- 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 Scheme pays mechanism and sets out the calculation of the offset
  - > the third section provides example calculations
  - > the fourth section contains the relevant factors
  - > Appendix A contains the legislative references
  - > Appendix B sets out some important limitations
- 1.6 The Government Actuary's Department (GAD) seeks to achieve a high standard in all our work. Please go to our [website](#)<sup>1</sup> for details of the standards we apply.

### Implementation and Review

- 1.7 The Scottish Ministers are required to consult the Scheme Actuary before issuing actuarial guidance under the 2014 Regulations [Regulation 2(3) of the 2014 Regulations].

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<sup>1</sup> <https://www.gov.uk/government/organisations/government-actuaries-department/about/terms-of-reference>



- 1.8 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.
- 1.9 This note has effect only when this guidance is issued by the Scottish Ministers in accordance with Regulation 2(3) of the 2014 Regulations, and is subject to the implementation instructions provided at that time.
- 1.10 This guidance relates only to Scheme pays elections made on and after 1 April 2015, and supplements the guidance dated 25 February 2015 which relates to member elections made prior to 1 April 2015. (The guidance 25 February 2015 is itself a revision of the earlier guidance dated 25 October 2012.) This guidance uses the same assumptions as the guidance dated 25 February 2015.
- 1.11 Administrators should satisfy themselves that the pension offset resulting from a Scheme pays election complies with all legislative requirements including, but not limited to, tax requirements. Any legal advice in this area should be sought from an appropriately qualified person or source.
- 1.12 This guidance does not cover the method for determining the amount of any Annual Allowance charge, Cash Equivalent Transfer Values (CETVs), Club transfers involving the Scheme or the transfer credits awarded on transfers-in (Club or CETV).
- 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 LGPS. Any questions concerning the application of the guidance should, in the first instance, be referred to SPPA.

#### **Use of this note**

- 1.14 This note has been prepared for SPPA and can be relied upon by them. We are content for this note to be released to third parties, provided that:
- > it is released in full;
  - > the advice is not quoted selectively or partially; and
  - > GAD is identified as the source of the note.
- 1.15 Third parties may wish to seek their own actuarial advice where appropriate. GAD has no liability to any person or third party for any act or omission taken, either in whole or in part, on the basis of this note.

#### **Third party reliance**

- 1.16 When issued by the Scottish Ministers in accordance with paragraph 1.9 above, this note should be used as the actuarial guidance required under the regulations cited. Other than for this purpose, no person or third party is entitled to place any reliance on the contents of this note, except to any extent explicitly stated herein.



## 2 Annual Allowance – Scheme Pays Mechanism

### Introduction

- 2.1 This section sets out the method and instructions for calculating the pension offset applicable to a member who incurs an Annual Allowance charge and elects to utilise the Scheme pays mechanism to meet this charge. The Scheme pays mechanism will not be available to all members incurring Annual Allowance charges, and administering authorities will need to ensure a member's eligibility before applying the approach set out in this guidance document.
- 2.2 It is our understanding from HM Treasury's initial documentation prepared during the development of the revised Annual Allowance regime, that costs incurred by the authorities in relation to operating the Scheme pays mechanism may not be recovered from the member concerned.
- 2.3 SPPA has confirmed that the Relevant Date (also known as the Implementation Date) will be the day coincident with the end of the pension input period. The pension input period in the LGPS runs from 1 April to 31 March, so the Relevant Date will be 31 March.

### Calculation of the initial pension offset

- 2.4 The calculation of the pension offset for different categories of member is set out in the following sections. We note that:
- > Unlike in the calculation of pension debits following a pension sharing order, the pension offset is initially calculated using the member's normal pension age (unless the member has already attained that age). The offset will later be adjusted to reflect the date their pension comes into payment.
  - > Pension debits resulting from pension sharing orders have a consequential impact on the benefits payable to a surviving spouse or civil partner upon the member's death. This will not be the case for a Scheme pays pension offset.
  - > The Scheme pays pension offset will initially be based on the pension relating to post 1 April 2015 service (i.e. on the current tranche of benefits). Where, at retirement, the post-2015 pension is insufficient to cover the pension offset then the balance of the offset should be applied to the pension earned between 1 April 2009 and 31 March 2015, with suitable adjustment for early or late payment by reference to the post-2015 NPA. If the offset cannot be met from post-2009 benefits then the case should be referred to SPPA.



## Pension offset for an active member

2.5 The calculation depends on whether the member is below, or has attained, normal pension age at the Relevant Date. Details for the two situations are set out below.

2.5.1 Where the active member is below normal pension age, the principle is that the pension offset acts like a negative deferred pension. The offset should be expressed as a deduction to the member's pension which is to be recovered from the member's normal pension age. The calculation will be carried out at the Relevant Date for the particular member. The calculation of the pension offset is:

$$\text{Pension offset} = \text{AATAX} / (\text{AAFAC} \times \text{AAADJ})$$

*Where:*

*AATAX = the Annual Allowance tax charge that the member has notified the scheme that they wish to meet via the Scheme pays mechanism.*

*AAFAC = the Annual Allowance Scheme pays factor from Table A1 based on the member's gender and age at the Relevant Date. These tables are based on a normal pension age of 65 and are included in Section 4 of this note. The factors in this table are copies of the 'Club and non-Club CETV Factors based on PA65' in tables 5.1 and 5.2 of the current guidance document "Individual Incoming & Outgoing Transfers".*

*AAADJ = the adjustment factor from Table A2 based on the member's gender and normal pension age. These tables are conversion factors from a normal pension age of 65 to a member's state pension age (if above age 65) and are included in Section 4 of this note. The factors in this table are copies of the 'Pension and Lump Sum Conversion Factors (from NPA 65)' in table 7.1(b) of the current guidance document "Individual Incoming & Outgoing Transfers".*

The pension payable to the member on retirement at normal pension age will be reduced by an amount equal to the member's pension offset.

2.5.2 Where the active member has already attained normal pension age, the principle is that the pension offset acts like a negative pension entitlement. The offset should be expressed as a deduction to the member's pension which is to be recovered once the member retires. The calculation will be carried out at the Relevant Date for the particular member. The calculation of the pension offset is:

$$\text{Pension offset} = \text{AATAX} / \text{AAFAC}$$

*Where:*

*AATAX = the Annual Allowance tax charge that the member has notified the scheme that they wish to meet via the Scheme pays mechanism.*

*AAFAC = the Annual Allowance Scheme pays factor from Table D1 based on the member's gender and age at the Relevant Date.*

*The pension payable to the member on retirement will be reduced by an amount equal to the member's pension offset, adjusted to allow for the period between the Relevant Date and the date of retirement.*

2.6 Pension offsets do not affect GMPs.



- 2.7 Administrators should store the offset calculated above with the Relevant Date on the member's record. Where a member has multiple pension offsets, they should be recorded separately.
- 2.8 The pension offset should be increased in accordance with the relevant provisions of the 2014 Regulations or other relevant LGPS Regulations during the period between the Relevant Date and the member's eventual retirement.

### **Contingent survivor benefits**

- 2.9 The benefits payable to a spouse, civil partner or other partner who is eligible to receive a pension on the member's death will not be reduced as a result of the Scheme pays mechanism. This will apply regardless of whether the member dies during active service, in deferment or after retirement.

### **Other benefits**

- 2.10 No offset will be applied to children's pensions.
- 2.11 No offset will be made to the lump sum death grant payable to an active member who dies in service.
- 2.12 No offset will be made to the death in deferment lump sum award that is payable to deferred members who incurred an Annual Allowance charge prior to exit, and elected for the Scheme pays mechanism. However the lump sum will be based on the pension after any Scheme pays offset has been applied.
- 2.13 No offset is made to any lump sum paid on death after retirement that is payable to pensioner members who incurred an Annual Allowance charge prior to exit, and elected for the Scheme pays mechanism. However the lump sum will be based on the pension after any Scheme pays offset has been applied.

### **Adjusting benefit offsets on leaving**

- 2.14 If the member leaves the Scheme prior to receipt of their pension then the pension offset should be treated in the same way as a pension debit following divorce (except that the Scheme pays offset applies to member benefits only). In particular, if the member leaves with a Club transfer then the Scheme pays offset will be preserved in the receiving scheme as described in the current guidance note on "Individual Incoming and Outgoing Transfers".

### **Adjusting benefit offsets at retirement**

- 2.15 This section sets out the method and instructions for calculating the pension offset to be applied at the point of retirement. In many cases this could be several years after the pension offset was initially calculated.
- 2.16 When the member retires, the total pension is initially calculated ignoring the pension offset. The pension is then reduced to allow for the pension offset. The offset should be revalued from the Relevant Date up to the April immediately before the date of retirement in accordance with the relevant provisions of the 2014 Regulations or other relevant LGPS Regulations. If the pension is not drawn at normal pension age then the pension offset will need to be adjusted.
- 2.17 Administrators should take care to ensure that the most recent Early Retirement Factors and Late Retirement Factors are applied. It is the responsibility of



administrators to ensure that they are using the most recent factors. Factors in force at 1 April 2015 are set out for reference in Section 4.

- 2.18 The pension offset to be applied at retirement if the member retires at normal pension age is as follows:

**Pension offset at retirement at normal pension age = Pension offset × REV**

Where:

*Pension Offset = as calculated in paragraph 2.5*

*REV = the revaluation factor between the Relevant Date and the April immediately before the date of retirement.*

- 2.19 The pension offset to be applied at retirement if the member retires before normal pension age is as follows:

**Pension offset at retirement before normal pension age = Pension offset × REV × (100% – ERF)**

Where:

*Pension Offset = as calculated in paragraph 2.5*

*REV = the revaluation factor between the Relevant Date and the April immediately before the date of retirement.*

*ERF = where the member retires in ill-health the relevant factor should be used from Table B1; for all other cases Table B2 should be used. The factors in these tables are copies of the factors contained in the current "Pension Debit" guidance note issued by the Scottish Ministers', or the current "Early Retirement" guidance.*

- 2.20 The pension offset to be applied at retirement if the member retires after normal pension age depends on whether the member was above or below normal pension age at the Relevant Date, and the two situations are covered separately as follows:

- 2.20.1 Where the member was below normal pension age at the Relevant Date the pension offset at retirement is as follows:

**Pension offset at retirement after normal pension age = Pension offset × REV × (100% + LRF)**

Where:

*Pension Offset = as calculated in paragraph 2.5*

*REV = the revaluation factor between the Relevant Date and the date of retirement.*

*LRF = late retirement factor from the latest Scottish Ministers' guidance, which is set out for convenience in C1 of Section 4. The factors in this table are copies of the factors contained in the Scottish Ministers' most recent Late Retirement guidance.*

- 2.20.2 Where the member had already attained normal pension age at the Relevant Date the pension offset at retirement is as follows:

**Pension offset at retirement after normal pension age = Pension offset × REV × (100% + LRF1) / (100% + LRF2)**

Where:

*Pension Offset = as calculated in paragraph 2.5*

*REV = the revaluation factor between the Relevant Date and the date of retirement.*





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*LRF1 = late retirement factor from the latest Scottish Ministers' guidance applicable to the period between normal pension age and actual retirement, and*

*LRF2 = late retirement factor from the latest Scottish Ministers' guidance applicable to the period between the normal pension age and the Relevant Date.*

*The factors contained in the Scottish Ministers' most recent Late Retirement guidance are set out for convenience in Table C1 of Section 4.*

- 2.21 The pension offset to be applied if the Scheme pays election occurs when the member's retirement figures are already being processed is as follows:

**Pension offset at retirement = AATAX / AAFAC**

Where:

*AATAX = the Annual Allowance tax charge that the member has notified the scheme that they wish to meet via the Scheme pays mechanism.*

*AAFAC = if the member is retiring on age grounds then the Annual Allowance Scheme pays factor is shown in Table D1 based on the member's gender and age at the Relevant Date. If the member is retiring on ill-health grounds then the factor is instead taken from Table E1.*

- 2.22 In some circumstances a member retiring on ill-health grounds will be exempt from incurring an Annual Allowance charge in the year preceding retirement. However this will not apply to all ill health retirements. Members who are exempt in their final year of service may also have incurred Annual Allowance charges, and opted for the Annual Allowance Scheme pays mechanism, earlier in their careers. In these cases benefit offsets will be applied at retirement but different adjustment factors (shown in table B1) will be applied from those used for other retirements (which can be found in table B2).

**Additional guidance for certain specific circumstances**

**2.23 Interaction between Annual Allowance and Scheme pays Lifetime Allowance ("LTA") charges**

We understand that when calculating LTA charges the pension tested should be that which would come into payment after allowing for the impact of any Annual Allowance Scheme pays offsets. The calculations set out in this document should therefore be carried out prior to any LTA test being applied to these members.

**2.24 Multiple Annual Allowance and Scheme pays offsets**

Some members may breach the Annual Allowance on more than one occasion during their careers. Since there is no limit on the number of times a member may opt to utilise Scheme pays (subject to usual eligibility), a member may also have multiple Annual Allowance Scheme pays offsets. In this circumstance each offset can be considered separately and treated in accordance with the guidance set out above.

**2.25 Interaction between Annual Allowance, Scheme pays offsets and pension debits**

It is possible for members to have both AA Scheme pays offsets and pension debits resulting from Pension Sharing on Divorce ("PSOD"). In this case each instance of the Annual Allowance Scheme pays offset or the PSOD pension debit is treated in accordance with the relevant set of guidance.



**2.26 Members exercising options at the point of retirement**

Some members are able to exercise options at the point of retirement, such as commuting pension for lump sum. This guidance note does not attempt to illustrate the interaction between Annual Allowance Scheme pays offsets and any of these member options.

**2.27 Interaction between Scheme pays offsets and flexible retirement**

Where a member opts to draw-down their membership, the offset relating to that part of the membership which is being drawn-down should be applied at the point of flexible retirement (and having regard to paragraphs 2.18 to 2.20 where relevant). Where the member elects to draw-down only a proportion of the membership, the offset should be pro-rated (in proportion to the membership being drawn-down) and applied to the relevant benefit being drawn-down, with allowance for early / late retirement factors as appropriate. The remaining offset should be applied when the member eventually retires.



### 3 Example Calculations

3.1 This section provides some examples of the calculations described by this note.

#### Example 1: Calculation of the pension offset

The following information is needed for this calculation:

A. Member's date of birth	23 January 1981
B. Tax year Annual Allowance charge is incurred	2015/16
C. Relevant date	31 March 2016
D. Member's age (last birthday)	35 years
E. Gender	Male
F. Tax charge	£4,000
G. Normal pension age (illustrative)	68

From 2.5.1, the formula for calculating the pension offset is:

$$\text{Pension offset} = \text{AATAX} / (\text{AAFAC} \times \text{AAADJ})$$

We have:

$$\text{AATAX} = \text{£}4,000 \text{ (from F.)}$$

$F_p = 7.19$  (which is the Scheme pays factor for a male member at age 35, obtained from **Table A1**)

$\text{AAADJ} = 0.83$  (which is the factor adjusting for the retirement age of 68, obtained from **Table A2**).

Substituting these values into the formula gives the following:

$$\text{Pension offset} = \text{£}4,000 / (7.19 \times 0.83) = \text{£}670.27 \text{ pa}$$

This offset is recorded on the member's record with Relevant Date of 31 March 2016.

This offset will increase in line with the Pensions (Increase) Acts and will be adjusted if the member's pension comes into payment before or after normal pension age.



## Example 2: Member retiring at normal pension age in normal health, with pension offset

The following information is needed for this calculation:

A. Member date of birth	23 March 1953
B. Retirement date	23 March 2018
C. Member age	65
D. Gender	Male
E. Member's pension before offset	£30,000.00 pa
F. Pension offset for 2015/16 (at 65)	£450.00 pa
G. Pension increase uprating factor 2015/16 (from 2015/16 offset Relevant Date, 31 March 2016, to retirement) (illustrative)	1.035

From paragraph 2.18, the formula for calculating the pension offset at retirement is:

**Pension offset on retirement at normal pension age = Pension Offset x REV**

We have:

Pension offset = £450.00 (from **F.**)

REV = 1.035 (from **G.**)

Substituting these values into the formula gives the following:

$$\begin{aligned}\text{Adjusted pension offset} &= £450.00 \times 1.035 \\ &= £465.75 \text{ pa}\end{aligned}$$

The pension to be implemented is the full pension (£30,000.00 pa from **E.**) less the pension offset at the retirement age. Therefore the pension to be implemented is:

$$\begin{aligned}&= £30,000 - £465.75 \\ &= \mathbf{£29,534.25 \text{ pa}}\end{aligned}$$



## 4 Table of factors

Table A1: Scheme pays factors based on normal pension age of 65

<i>Age last birthday at relevant date</i>	<i>Male Factor</i>	<i>Female Factor</i>
16	4.32	4.59
17	4.44	4.72
18	4.56	4.84
19	4.69	4.98
20	4.81	5.11
21	4.94	5.25
22	5.08	5.40
23	5.22	5.54
24	5.36	5.70
25	5.50	5.85
26	5.65	6.01
27	5.80	6.18
28	5.96	6.35
29	6.12	6.52
30	6.29	6.70
31	6.46	6.88
32	6.64	7.07
33	6.82	7.26
34	7.00	7.46
35	7.19	7.67
36	7.39	7.88
37	7.59	8.10
38	7.80	8.32
39	8.02	8.55
40	8.24	8.79
41	8.47	9.03
42	8.70	9.29
43	8.94	9.54
44	9.19	9.81
45	9.45	10.09
46	9.71	10.37
47	9.98	10.66
48	10.26	10.96
49	10.55	11.27
50	10.84	11.59
51	11.15	11.92
52	11.46	12.27
53	11.79	12.62
54	12.13	12.99
55	12.48	13.37
56	12.84	13.77
57	13.22	14.18
58	13.62	14.61
59	14.03	15.05
60	14.46	15.52
61	14.92	16.00
62	15.39	16.49
63	15.89	17.01
64	16.42	17.55



**Notes:**

1. The offset applies only to the member's pension. Dependants' benefits are not affected.
2. The offset is equal to the tax charge divided by the appropriate factor.

**Table A2 – Pension and Lump Sum Conversion Factors (from NPA 65)**

<i>NPA</i>	<i>Personal Pension (Male)</i>	<i>Personal Pension (Female)</i>
65	1.00	1.00
66	0.94	0.95
67	0.88	0.89
68	0.83	0.84

**Note**

Interpolation should be used for non-integer normal pension ages.

**Table B1 – Reduction to pension offset on ill health retirement**

<i>Years until normal pension age at date of retirement</i>	<i>Pension Offset Reduction (%)</i>	
	<i>Males</i>	<i>Females</i>
0	0	0
1	3	3
2	6	6
3	9	11
4	13	16
5	18	20
6	22	24
7	26	27
8	29	31
9	33	34
10	36	37
11	39	40
12	42	43
13	44	45
14	47	47
15	49	50



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<i>Years until normal pension age at date of retirement</i>	<i>Pension Offset Reduction (%)</i>	
	<i>Males</i>	<i>Females</i>
16	51	52
17	54	54
18	56	56
19	57	57
20	59	59
21	61	61
22	62	62
23	64	64
24	65	65
25	67	66
26	68	68
27	69	69
28	70	70
29	71	71
30	72	72
31	73	73
32	74	74
33	75	75
34	76	76
35	77	77
36	78	78
37	79	78
38	79	79
39	80	80
40	81	81
41	82	81
42	82	82
43	83	83
44	83	83
45	84	84

Note:

Where the number of years from retirement to normal pension age is not an integer, the reduction factor from the above table should be interpolated for part years.



**Table B2 – Reduction to pension offset on retirement in normal health before normal pension age**

<i>Years until normal pension age at date of retirement</i>	<i>Pension offset Reduction (%)</i>	
	<i>Males</i>	<i>Females</i>
0	0%	0%
1	6%	6%
2	11%	11%
3	16%	15%
4	21%	20%
5	25%	24%
6	29%	28%
7	33%	31%
8	36%	35%
9	39%	38%
10	42%	41%
11	46%	44%
12	49%	47%
13	52%	50%

**Note:**

Where the number of years from retirement to normal pension age is not an integer, the reduction factor from the above table should be interpolated for part years.





**Table C1 – Increase to pension offset for retirement after normal pension age**

<i>Years late</i>	<i>Pension Increase (%)</i>	
	<i>Males</i>	<i>Females</i>
0	0	0
1	5	5
2	11	10
3	17	16
4	24	22
5	31	29
6	39	36
7	48	44
8	58	52
9	69	62
10	80	72

Notes:

- (1) Where the member's 'Age at Retirement' is not an integer number, the factors from the table should be interpolated for part years.
- (2) The above factors should be applied separately for pre-1 April 2015 benefits (by reference to age 65, regardless of whether the member has a right to retire with an unreduced pension before the age of 65), and to post-1 April 2015 benefits (by reference to Normal Pension Age).



**Table D1 – Age pensioner pension offset factors**

<i>Age last birthday at relevant date</i>	<i>Male Factor</i>	<i>Female Factor</i>
55	20.57	21.50
56	20.18	21.14
57	19.79	20.78
58	19.38	20.41
59	18.97	20.03
60	18.56	19.64
61	18.14	19.24
62	17.71	18.83
63	17.27	18.41
64	16.83	17.98
65	16.37	17.54
66	15.90	17.09
67	15.43	16.63
68	14.94	16.16
69	14.44	15.68
70	13.94	15.19
71	13.45	14.70
72	12.95	14.20
73	12.45	13.69
74	11.95	13.18
75	11.45	12.67

**Table E1 – Ill-health pensioner pension offset factors**

<i>Age last birthday at relevant date</i>	<i>Male Factor</i>	<i>Female Factor</i>
20	25.56	27.22
21	25.40	27.06
22	25.24	26.90
23	25.08	26.73
24	24.91	26.57
25	24.73	26.40
26	24.56	26.23
27	24.38	26.06
28	24.21	25.89
29	24.04	25.73
30	23.87	25.57
31	23.71	25.40
32	23.55	25.23
33	23.39	25.06
34	23.23	24.88
35	23.07	24.70
36	22.91	24.52
37	22.75	24.33
38	22.58	24.14
39	22.40	23.94
40	22.22	23.74



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<i>Age last birthday at relevant date</i>	<i>Male Factor</i>	<i>Female Factor</i>
41	22.02	23.53
42	21.81	23.32
43	21.58	23.09
44	21.35	22.85
45	21.09	22.61
46	20.83	22.35
47	20.54	22.09
48	20.24	21.82
49	19.93	21.54
50	19.60	21.26
51	19.27	20.96
52	18.94	20.67
53	18.59	20.36
54	18.24	20.04
55	17.89	19.72
56	17.52	19.39
57	17.15	19.05
58	16.78	18.70
59	16.41	18.34
60	16.03	17.97
61	15.66	17.60
62	15.28	17.20
63	14.89	16.80
64	14.49	16.39
65	14.07	15.96
66	13.65	15.52
67	13.22	15.07
68	12.79	14.61
69	12.36	14.14
70	11.93	13.67
71	11.50	13.20
72	11.08	12.72
73	10.66	12.24
74	10.24	11.76
75	9.83	11.28

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## Appendix A: Cited Regulations

### A.1 Excerpts from the 2014 Regulations<sup>2</sup>

#### Introductory

##### 2.—

...

(3) The Scottish Ministers may, after consultation with the Scheme Actuary, issue actuarial guidance to administering authorities.

#### Active member's pension accounts

##### 23. —

...

(6) Other than to correct an error in a pension account, a pension account adjustment can only arise as a consequence of—

- (a) an award of additional pension under regulation 30 (award of additional pension);
- (b) a transfer value payment being made or received;
- (c) a pension debit being made;
- (d) a Scheme pays election;

...

(9) Where—

- (a) a pension debit as is mentioned in paragraph 6(c) is made, or
- (b) the joint liability amount specified in a notice given in relation to an election as mentioned in paragraph (6)(d) is met by the pension fund,

the appropriate administering authority shall reduce the balance in the member's account to reflect the reduction in the value of the member's rights, calculated in accordance with actuarial guidance issued by the Scottish Ministers.

#### Joint liability in respect of Annual Allowance charge

##### 84. —

(1) This regulation applies where a member gives notice to the appropriate administering authority of joint and several liability under section 237B (liability of scheme administrator) of the Finance Act 2004 in respect of the member's Annual Allowance charge.

(2) Where the joint liability amount specified in the notice is met by the pension fund, the appropriate administering authority must reduce the value of the member's rights accrued under the Scheme in accordance with actuarial guidance issued by the Scottish Ministers.

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<sup>2</sup> The Local Government Pension Scheme (Scotland) Regulations 2014 (SSI 2014/164)



## A.2 Excerpts from the 2015 Scheme Transitional Regulations<sup>3</sup>

### Annual allowance

#### 16. —

...

(1) If a member gives the administering authority notice of joint and several liability under section 237B of the Finance Act 2004 (liability of scheme administrator) in respect of the member's Annual Allowance charge after 1st April 2015, the administering authority may adjust the member's benefits accrued within the Earlier Schemes in accordance with actuarial guidance issued by the Scottish Ministers.

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<sup>3</sup> The Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 (SSI 2014 / 233)



## Appendix B: Limitations

- B.1 This note should not be used for any purpose other than to determine the offset to apply to a member's benefits following a Scheme pays election in accordance with the regulations cited above.
- B.2 The factors contained in this note are subject to regular review. Administrators need to ensure that they are using the latest factors, as relevant, when processing cases.
- B.3 This note should be considered in its entirety as individual sections, if considered in isolation, may be misleading, and conclusions reached by a review of some sections on their own may be incorrect.
- B.4 This note only covers the actuarial principles around the calculation and application of an offset in relation to Scheme pays elections. Any legal advice in this area should be sought from an appropriately qualified person or source.
- B.5 Administrators should satisfy themselves that the offset and Scheme pays arrangements comply with all legislative requirements including, but not limited to, tax requirements.
- B.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 Scottish Public Pensions Agency (SPPA). In no circumstances should this guidance take precedence over the Regulations. Administrators should ensure that they comply with all relevant Regulations.