TAX CONTROLS AND YOUR LGPS BENEFITS

IN THIS LEAFLET WE LOOK AT THE HM REVENUE AND CUSTOMS (HMRC) RULES THAT GOVERN PENSION SAVINGS.

Where pension terms are used, they appear in ***bold italic*** type. These terms are defined at the end of this leaflet.

There are controls on the total amount of contributions you can make into all pension arrangements and receive tax relief and on the total pension savings you can have before you become subject to a tax charge. This is in addition to any tax due under the PAYE system once your pension is in payment.

You can, if you wish, pay up to 100% of your UK taxable earnings in any tax year into any number of concurrent pension arrangements of your choice (or, if greater, £3,600 to a "tax relief at source" arrangement, such as a personal pension or stakeholder pension scheme) and be eligible for tax relief on the contributions.

There are two main allowances for pension savings – an annual allowance and a lifetime allowance. There are also protections for benefits earned up to 5 April 2006 if you are a high earner affected by the introduction of the lifetime allowance from 6 April 2006.
Most people will be able to save as much as they wish as their pension savings will be less than the allowances.

Are there any limits on how much I can pay in contributions?

Currently, there is no overall limit on the amount of contributions you can pay, although there is a limit of £7,026 on the extra LGPS pension you can buy by payment of Additional Pension Contributions (APCs). Although there is no overall limit on the amount of contributions you can pay to all schemes, tax relief will only be given on contributions up to a total of 100% of your taxable earnings in a tax year (or, if greater, £3,600 to a "tax relief at source" arrangement, such as a personal pension or stakeholder pension scheme).

What are the tax controls on my pension savings?

There are two controls – the annual allowance and the lifetime allowance.

Annual allowance - Standard rules

This is the amount by which the value of your pension benefits may increase in any one year without you having to pay a tax charge.

The increase in the value of your pension savings in the LGPS in a year is calculated by working out the value of your benefits immediately before the start of the 'pension input period', increasing the value by inflation and then comparing it with the value of your benefits at the end of the 'pension input period'.

The 'pension input period' (PIP) is the period over which your pension growth is measured. From 6 April 2016, PIPs for all pension schemes are aligned with the tax year – 6 April to 5 April. Prior to the 2016/17 year the PIP for the LGPS was 1 April to 31 March, except for the year 2015/16 when special transitional rules applied.

The annual allowance in recent years has been as follows :

Pension Input Period	Annual Allowance
1 April 2011 to 31 March 2012	£50,000
1 April 2012 to 31 March 2013	£50,000
1 April 2013 to 31 March 2014	£50,000
1 April 2014 to 31 March 2015	£40,000
1 April 2015 to 5 April 2016	£80,000 (transitional rules apply)
6 April 2016 to 5 April 2017	£40,000 (unless tapering applies)
6 April 2017 to 5 April 2018 onwards	£40,000 (unless tapering applies)

From 6 April 2016 the PIP is aligned with the tax year. To facilitate this change special transitional arrangements applied for 2015/16 meaning that there were two PIPs in 2015/16 as below:

Pre-alignment tax year: 1 April 2015 to 8 July 2015 - the revised annual allowance during this period is £80,000

Post-alignment tax year: 9 July 2015 to 5 April 2016 – the annual allowance for this period is the amount of the £80,000 not used up from the pre-alignment tax year (subject to a maximum of £40,000) together with any carry forward available from the three previous years.

Generally speaking, the assessment covers any pension benefits you may have in all tax-registered pension arrangements where you have been an active member of the scheme during the year i.e. you have paid contributions during the tax year (or your employer has paid contributions on your behalf).

Carry forward

You would only be subject to an annual allowance tax charge if the value of your pension savings for a year increases by more than the annual allowance for that year. A carry forward rule allows you to carry forward unused annual allowance from the previous three years. This means that even if the value of your pension savings increases by more than £40,000 in a year you may not be liable to the annual allowance tax charge. For example, if the value of your pension savings in 2019/20 increased by £50,000 (i.e. by £10,000 more than the annual allowance) but in the three previous years had increased by £25,000, £28,000 and £30,000, then the amount by which each of these previous years fell short of the annual allowance for those three years would more than offset the £10,000 excess pension saving in the year 2019/20. There would be no annual allowance tax charge to pay in this case.
To carry forward unused annual allowance from an earlier year you must have been a member of a tax registered pension scheme in that year.

Most people will not be affected by the annual allowance tax charge because the value of their pension saving will not increase in a year by more than the annual allowance or, if it does, they are likely to have unused allowance from previous years that can be carried forward.

If, however, you are affected you will be liable to a tax charge (at your marginal rate) on the amount by which the value of your pension savings for the tax year, less any unused allowance from the previous three years, exceeds the annual allowance.

Working out whether you are affected by the annual allowance is quite complex, but this should help you work out your general position.

In general terms, subject to special rules outlined below regarding "flexible access" benefits and the “tapered” annual allowance for higher earners, the increase in the value of your pension savings in the LGPS in a year is calculated by working out the value of your benefits immediately before the start of the input period, increasing them by inflation, and comparing them with the value of your benefits at the end of the input period. In a defined benefit scheme like the LGPS the value of your benefits is calculated by multiplying the amount of your pension by 16 and adding any lump sum you are automatically entitled to from the pension scheme. If the difference between:

a) the value of your benefits immediately before the start of the input period (the opening value) and
b) the value of your benefits at the end of the input period (the closing value) plus any contributions you have paid into the scheme’s ***Additional Voluntary Contribution (AVC)*** arrangement in the year or that you and your employer have paid into the scheme’s Shared Cost AVC arrangement in the year is more than £40,000, you may be liable to a tax charge.

The method of valuing benefits in other schemes may be different to the method used in the LGPS.

Annual allowance - Special rules if you have taken any “flexible access” benefits from a money purchase (defined contribution) arrangement

If you have any benefits in a money purchase (defined contribution) pension arrangement which you have flexibly accessed on or after 6 April 2015 then:

a) in the year in which you flexibly access your money purchase benefits:
    - if your contributions to a money purchase (defined contribution) scheme do not exceed the money purchase annual allowance (MPAA), your pension savings will be tested against the normal £40,000 annual allowance figure (as described in the “standard annual allowance calculation” referred to above), or
    - if your contributions to a money purchase (defined contribution) scheme do exceed the MPAA, your money purchase contributions you paid before flexibly accessing your money purchase benefits will, together with value of your defined benefit savings for the year, be measured against the alternative annual allowance figure (see table below) and your money purchase contributions paid after flexibly accessing your money purchase benefits will be measured against the MPAA figure.

Tax Year	MPAA	Alternative annual allowance if MPAA is exceeded
2015/16	Special rules apply*	See c) below
2016/17	£10,000	£30,000
2017/18	£4,000	£36,000

*special rules apply for 2015/16 see c) below.

- However, if the "standard annual allowance calculation" referred to above would produce a higher annual allowance tax charge, then that figure will be used instead.

b) in subsequent years:
- if your contributions to a money purchase (defined contribution) scheme do not exceed the MPAA, your pension savings will be tested against the normal annual allowance figure, or
- if your contributions to a money purchase (defined contribution) scheme do exceed the MPAA, your annual allowance charge will be based on any money purchase (defined contribution) savings for the year in excess of the MPAA, plus the value of any defined benefit savings in excess of the alternative annual allowance figure shown above. It will not be possible to carry forward any unused money purchase (defined contribution) annual allowance to offset against the MPAA.

c) Transitional rules applied for the year 2015/16:

Pre-alignment tax year - 1 April 2015 to 8 July 2015:
- if flexible access occurred in the pre-alignment tax year and your contributions to a money purchase (defined contribution) scheme did not exceed £20,000, your pension savings would have been tested against the standard £80,000 annual allowance figure for the pre-alignment tax year (as described above), or
- if your contributions to a money purchase (defined contribution) scheme exceeded £20,000, the money purchase contributions you paid before flexibly accessing your money purchase benefits would, together with the value of your defined benefit savings for the pre-alignment year, have been measured against an alternative annual allowance figure of £60,000 and your money purchase contributions paid after flexibly accessing your money purchase benefits would have been measured against an annual allowance figure of £20,000.

Post-alignment tax year - 9 July 2015 to 5 April 2016:
- if flexible access occurred in the pre-alignment tax year and your contributions to a money purchase (defined contribution) scheme did not exceed £20,000 the annual allowance for this period is the amount of the £80,000 not used up from the pre-alignment tax year (subject to a maximum of £40,000).
- if flexible access occurred in the pre-alignment tax year and you were subject to the alternative the annual allowance of £60,000, the annual allowance for the post alignment tax year is
    - for your money purchase (defined contribution) contributions - the amount of the £20,000 that has not been used from the pre-alignment tax year, subject to a maximum of £10,000.
    - for your defined benefits savings the amount of the £60,000 that has not been used from the pre-alignment tax year, subject to a maximum of £30,000.

- if the flexible access occurred in the post-alignment tax year your contributions to a money purchase (defined contribution) scheme were subject to an annual allowance of £10,000 and your defined benefit savings to an annual allowance of £30,000.

"Flexible access" means taking a cash amount over the tax-free lump sum from a flexi-access drawdown account; taking an 'uncrystallised funds' pension lump sum (UFPLS); purchasing a flexible annuity; taking a scheme pension from a defined contribution scheme with fewer than 12 pensioner members or taking a stand-alone lump sum[1] if you have primary but not enhanced protection.

Please note:
If you have elected to transfer pension rights from another scheme into the LGPS, the value of the benefits relating to the transfer does not count towards your pension savings in the LGPS in the year in which the transfer payment is received except in the case of a transfer under ***Club transfer rules***[2].

If your pension benefits in the LGPS are reduced following a Pension Sharing Order or a qualifying agreement in Scotland (issued as a result of a divorce or dissolution of a ***civil partnership***) then, for the purposes of calculating the value of your pension savings in the LGPS, the reduction in your benefits is ignored in the year that the Pension Sharing Order or qualifying agreement is applied to your benefits.

If you retire on grounds of permanent ill health and an independent registered medical practitioner certifies that you are suffering from ill-health which makes it unlikely that you will be able (other than to an insignificant extent) to undertake gainful work (in any capacity) before reaching your ***State Pension Age*** there is no annual allowance tax charge on the ill health retirement benefits.

It is important to note that the assessment covers <u>any pension benefits</u> you may have where you have been an active member during the tax year, not just benefits in the LGPS.

Pension Services will inform you if your LGPS pension savings in a pension input period are more than the annual allowance not later than 6 October following the end of the relevant tax year.

If you exceed the annual allowance in any year you are responsible for reporting this to HMRC on your self-assessment tax return. Pensions Services will be able to tell you how much the value of your LGPS benefits have increased during an input period, plus the amount of any ***Additional Voluntary Contributions (AVCs)*** you may have paid during the input period.

If you have an annual allowance tax charge that is more than £2,000 and your pension savings in the LGPS alone have increased in the tax year by more than the standard annual allowance you may be able to opt for the LGPS to pay some or all of the tax charge on your behalf. The tax charge would then be recovered from your pension benefits.

If you want the LGPS to pay some or all of an annual allowance charge on your behalf, you <u>must</u> give your notification no later than 31 July in the year following the end of the tax year to which the annual allowance charge relates. However, if you are retiring and become entitled to **all** of your

[1] A lump sum relating to pre-6 April 2006 where the whole amount can be taken as a lump sum without a connected pension.
[2] In the case of members wishing to transfer from a Club scheme, the value of benefits bought in the LGPS by such a Club transfer which does not fully relate to the amount of transfer value received will be taken into account for Annual Allowance purposes. Your Pension administrator will inform you if your LGPS pension savings in a pension input period is affected by a Club transfer.

benefits from the LGPS and you want the LGPS to pay some or all of the tax charge on your behalf from your benefits, you must tell Pension Services before you become entitled to those benefits. Pension Services will be able to tell you more about this and the time limits that apply.

Your pension fund administrator may also agree to pay some or all of an annual allowance tax charge on your behalf in other circumstances e.g. where your pension savings are not in excess of the standard annual allowance but are in excess of the tapered or money purchase annual allowance. Please contact Pension Services to see if this can apply to you.

The general exemption from the annual allowance for the relatively small number of scheme members who applied to HMRC for, and received, an enhanced protection certificate ceased on 6 April 2011.

Tapered Annual Allowance for higher earners

From the tax year 2016/17 the Annual Allowance is tapered for members who have a 'Threshold Income' in excess of £110,000, and 'Adjusted Income' in excess of £150,000. For every £2 that your Adjusted Income exceeds £150,000, your Annual Allowance is reduced by £1 (to a minimum of £10,000).

	Definition	**Limit**
Threshold Income	Broadly your taxable income after the deduction of your pension contributions (including AVCs deducted under the net pay arrangement)	£110,000
Adjusted Income	Broadly your threshold income plus pensions savings built up over the tax year	£150,000

Threshold income includes all sources of income that are taxable e.g. property income, savings income, dividend income, pension income, social security income (where taxable), state pension income etc.

Please note, you are not allowed to deduct from taxable income any amount of employment income given up for pension provision as a result of any salary sacrifice made on or after 9 July 2015.

How does the taper work?
From 6 April 2016, the taper reduces the Annual Allowance by £1 for £2 of adjusted income received over £150,000, until a minimum Annual Allowance of £10,000 is reached. This means that from 6 April 2016 the Annual Allowance for high earners is as follows:

Adjusted Income	**Annual Allowance**
£150,000 or below	£40,000
£160,000	£35,000
£170,000	£30,000
£180,000	£25,000
£190,000	£20,000
£200,000	£15,000
£210,000 or above	£10,000

Examples

Cerys		
Gross Salary 2019/2020	£120,000	
Less employee pension contributions	£13,680	11.4%
Threshold Income 2019/20	£106,320	Below £110,000 so the AA will not be tapered and remains at £40,000
Pensions saving in the year	£19,500	**Less than £40,000 so no tax charge**
Sanjay		
Gross salary 2019/2020	£130,000	
Less employee pension contributions	£14,820	11.4%
Plus taxable income from property	£30,000	
Threshold Income 2019/20	£145,180	
Plus pensions saving in the year	£42,449	
Adjusted Income 2019/20	£187,629	Greater than £150,000 so AA will be tapered
Tapered AA	£21,186*	
In excess of AA	£21,263	Pension saving of £42,449 less tapered AA
AA tax charge at marginal rate (assumed to be 40%)	**£8,505**	£21,263 x 40%

*Taper = £187,629 - £150,000 = £37,629 / 2 = £18,814. Standard AA £40,000 less £18,814 = £21,186

Please note, the examples above make no allowance for any carry forward or inflationary adjustment. The examples of pension savings in the year assume that both Sanjay and Cerys have no final salary benefits in the LGPS and that they are not paying any additional contributions.

Lifetime Allowance

The lifetime allowance is the total value of all pension benefits you can have without triggering an excess benefits tax charge. If the value of your pension benefits when you take them (not including any state retirement pension, state pension credit or any spouse's, ***civil partner's***, ***eligible cohabiting partner's*** or dependant's pension you may be entitled to) is more than the lifetime allowance, or more than any protections you may have (see below), you will have to pay tax on the excess benefits. **The lifetime allowance covers any pension benefits you have in all tax-registered pension arrangements – not just the LGPS.**

The lifetime allowance was introduced in 2006 and was reduced in 2012, 2014 and again in 2016. Each time the lifetime allowance reduced, if you had already planned your pension savings on the basis of the higher lifetime allowance you could protect your pension savings by applying to HMRC for a protection certificate.
The lifetime allowance has been steadily reducing from 2012/13 to 2017/18. From 2018/19 onwards the lifetime allowance increases in line with inflation, see below:

Tax Year	Lifetime Allowance
2011/12	£1.8 million
2012/13	£1.5 million
2013/14	£1.5 million
2014/15	£1.25 million

2015/16	£1.25 million
2016/17	£1.00 million
2017/18	£1.00 million
2018/19	£1.03 million
2019/20	£1.055million

For pensions that start are taken on or after 6 April 2006, the capital value of those pension benefits is calculated by multiplying your pension by 20 and adding any lump sum you take from the pension scheme.

For pensions already in payment before 6 April 2006, the capital value of these is calculated by multiplying the current annual rate, including any pensions increase, by 25. Any lump sum already paid is ignored in the valuation.

When any LGPS benefit, or any other pension arrangement you may have, is put into payment you use up some of your lifetime allowance – so even if your pensions are small and will not be more than the lifetime allowance you should keep a record of any pensions you receive. If you have a pension in payment before 6 April 2006, this will be treated as having used up part of your lifetime allowance.

If your LGPS benefits are more than your lifetime allowance you will have to pay tax on the excess. If excess benefits are paid as a pension the charge will be 25%, with income tax deducted on the ongoing pension payments; if the excess benefits are taken as a lump sum they will be taxed once only at 55%.

There are protections called primary lifetime allowance protection, enhanced protection, fixed protection, fixed protection 2014, fixed protection 2016, individual protection 2014 and individual protection 2016. Information on these is provided below.

Primary lifetime allowance protection

Primary protection is aimed at protecting benefits earned up to 5 April 2006 for those high earners affected by the introduction of the lifetime allowance from 6 April 2006 i.e. those whose benefits at 5 April 2006 already had a capital value in excess of the 2006/07 lifetime allowance of £1.5 million.

If the value of your pension benefits at 5 April 2006 was more than the 2006/07 lifetime allowance of £1.5million and you have registered for primary protection, you have an individual lifetime allowance based on how much your benefits at 5 April 2006 exceeded the value of the 2006/07 standard lifetime allowance. Your individual lifetime allowance increases at the same rate as the standard lifetime allowance. So, if your benefits at 5 April 2006 exceeded the 2006/07 standard lifetime allowance by 10%, your individual lifetime allowance will always be 10% higher than whatever the standard lifetime allowance is in future years.

If your pension rights are shared on divorce or dissolution of a ***civil partnership*** this will result in the individual lifetime allowance being reduced (or lost if it reduces to below the standard lifetime allowance).

To have primary protection you must have registered for it with HM Revenue and Customs by 5 April 2009.

Enhanced protection

You could register for enhanced protection (as well as primary protection) if the value of your pension benefits at 5 April 2006 was more than the 2006/07 lifetime allowance of £1.5million. You could also register for enhanced protection if you believed the value of those benefits might in the future be more than the standard lifetime allowance or if you believed your pension benefits in any one year would increase by more than the annual allowance.

Under enhanced protection you will not pay tax on benefits in excess of the lifetime allowance provided your benefits at retirement do not exceed the value of your benefits at 5 April 2006 as increased after then, in general terms, by the greater of 5% per annum, the increase in the cost of living or increases in your ***pensionable pay***. If the limit is exceeded you will pay tax on the excess.

You will lose enhanced protection if you pay contributions into a money purchase pension arrangement (e.g. pay into the LGPS arranged ***AVC*** facility[3]) or if you start a new pension arrangement, or if you transfer your LGPS benefits to another defined benefit pension scheme. You can also voluntarily give up enhanced protection by giving notice that you no longer wish to keep it.
If you lose enhanced protection you must notify HMRC within 90 days. Failure to do so could result in a fine of up to £3,000.

To have enhanced protection you must have registered for it with HM Revenue and Customs by 5 April 2009.

Transitional Protection: Lump Sums

If you were in the LGPS before 1 April 2008, you will be entitled to an automatic lump sum from the LGPS when you take your benefits, in addition to your pension. There are two types of lump sum protection available. These relate to members who, at 5 April 2006, either:

- had built up a lump sum of £375,000 or more and had applied for primary and/or enhanced protection, or
- had built up a lump sum that was more than 25% of the value of any pension rights not in payment at that time.

It is expected that very few (if any) LGPS members will have built up lump sums that meet either of these limits. Information on the protection can be found on the HMRC website:

www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm092100

Fixed Protection

[3] You will not lose enhanced protection if you were paying ***AVCs*** at 5 April 2006 purely for extra life cover and carry on doing so after that date provided the terms are not varied significantly from those that applied under the policy at 5/4/2006 so as to increase the level of life cover or extend the period during which such benefits are payable e.g. you do not adjust the premiums to purchase increased life cover.

The lifetime allowance reduced to £1.5 million on 6 April 2012 and a fixed protection was introduced. You can't have fixed protection if you have either primary or enhanced protection. With fixed protection your lifetime allowance is fixed at £1.8 million.

The maximum tax free lump sum you can take on retirement is the lesser of:

- 25% of the capital value of your LGPS benefits, or
- 25% of the lifetime allowance which, for those with fixed protection, is £450,000 (i.e. 25% of your lifetime allowance of £1.8 million) or if you have previously taken payment of (crystallised) pension benefits 25% of the remaining lifetime allowance.

You will lose fixed protection if you start a new pension arrangement, other than to accept a transfer of existing pension rights, or if your benefits increase by more than the cost of living increases, or if you pay contributions into a money purchase pension arrangement other than to a life assurance policy providing death benefits that started before 6 April 2006. You will also be subject to restrictions on where and how you can transfer benefits.

If you lose fixed protection you must notify HMRC within 90 days. Failure to do so could result in a fine of £300 and a penalty of up to £60 per day after the initial fine has been issued until you supply them with the required notification.

To have fixed protection you must have applied to HM Revenue & Customs (HMRC) in their prescribed form on or before 5 April 2012.

Fixed Protection 2014

The lifetime allowance reduced to £1.25 million on 6 April 2014 and a new protection called fixed protection 2014 was introduced. Individuals who expected their pension savings to be more than £1.25 million (including taking into account past benefits already in payment) when they retired after 5 April 2014 could apply for fixed protection 2014 to help reduce or mitigate the lifetime allowance charge. You can't have fixed protection 2014 if you already have primary, enhanced or fixed protection. With fixed protection 2014 your lifetime allowance is fixed at £1.5 million rather than the standard lifetime allowance.

The maximum tax free lump sum you can take on retirement is the lesser of:

- 25% of the capital value of your LGPS benefits, or
- 25% of the lifetime allowance which, for those with fixed protection 2014, is £375,000 (i.e. 25% of your lifetime allowance of £1.5 million) or if you have previously taken payment of (crystallised) pension benefits 25% of the remaining lifetime allowance.

You will lose fixed protection 2014 if you start a new pension arrangement, other than to accept a transfer of existing pension rights, or if your benefits increase by more than the cost of living increases, or if you pay contributions into a money purchase pension arrangement other than to a life assurance policy providing death benefits that started before 6 April 2006. You will also be subject to restrictions on where and how you can transfer benefits.

You would have lost fixed protection 2014 if you are an active member of the LGPS on or after 6 April 2016. Fixed protection 2014 is lost if your benefits increase by more than the cost of living increase. As the cost of living increase for the year 2016/17 was zero, any pension build up, however small, would have led to your pension increasing by more than zero. Therefore, if you

applied for and wished to keep, fixed protection 2014 you would have needed to have opted out of the LGPS with effect from 6 April 2016 or before.

If you lose fixed protection 2014 you must notify HMRC within 90 days. Failure to do so could result in a fine of £300 and a penalty of up to £60 per day after the initial fine has been issued until you supply them with the required notification.

To have fixed protection 2014 you must have applied to HM Revenue & Customs (HMRC) in their prescribed form on or before 5 April 2014.

Individual protection 2014

Individual protection 2014 was introduced when the lifetime allowance reduced to £1.25 million on 6 April 2014.

Individual protection 2014 gives a protected lifetime allowance equal to the value of your pension rights on 5 April 2014 - up to a maximum of £1.5 million. You will not lose individual protection 2014 by making further savings in to your pension scheme but any pension savings in excess of your protected lifetime allowance will be subject to a lifetime allowance charge.
Your application for individual protection 2014 must have been received by HMRC no later than 5 April 2017.

You can hold both fixed protection 2014 and individual protection 2014 but you can't apply for them at the same time. You can also hold individual protection while holding either enhanced protection or fixed protection but you couldn't apply for individual protection if you already held primary protection.

For more information on individual protection 2014 see:

www.gov.uk/government/publications/pensions-individual-protection-2014

Fixed Protection 2016

The lifetime allowance reduced to £1 million on 6 April 2016 and a new protection called fixed protection 2016 was introduced. You are able to apply for fixed protection 2016 if you expect your pension savings to be more than £1 million (including taking into account past benefits already in payment) when you come to take them on or after 6 April 2016. Fixed protection 2016 can be used to help reduce or mitigate the lifetime allowance charge.

You can't have fixed protection 2016 if you already have primary, enhanced, fixed protection 2012 or fixed protection 2014.

With fixed protection 2016 your lifetime allowance is fixed at £1.25 million rather than the standard lifetime allowance. The maximum tax free lump sum you can take on retirement is the lesser of:

- 25% of the capital value of your LGPS benefits, or
- 25% of the lifetime allowance which, for those with fixed protection, is £312,500 (i.e. 25% of your lifetime allowance of £1.25million) or if you have previously taken payment of (crystallised) pension benefits, 25% of the remaining lifetime allowance.

Please note, you would have lost fixed protection 2016 if you are an active member of the LGPS, or were an active member on or after 6 April 2016. Fixed protection 2016 is lost if your benefits increase by more than the cost of living increase. As the cost of living increase for the year

2016/17 was zero, any pension build up, however small, would have led to your pension increasing by more than zero. Therefore, if you applied for and wished to keep, fixed protection 2016 you would have needed to have opted out of the LGPS with effect from 6 April 2016, or earlier.

Fixed protection 2016 will also be lost if you start a new pension arrangement, other than to accept a transfer of existing pension rights, or if you pay contributions into a money purchase pension arrangement, other than to a life assurance policy providing death benefits that started before 6 April 2006. You will also be subject to restrictions on where and how you can transfer benefits.

If you lose fixed protection 2016 you must electronically notify HMRC within 90 days of the day on which you could first reasonably be expected to have known that an event had occurred causing you to have lost this protection. Failure to do so could result in a fine of £300 and a penalty of up to £60 per day after the initial fine has been issued until you supply them with the required notification.

Individual Protection 2016

In addition to fixed protection 2016, individual protection 2016 was also introduced when the lifetime allowance reduced to £1 million on 6 April 2016. You can apply for individual protection 2016 if you had pension savings valued at over £1 million (including taking into account past benefits already in payment) on 5 April 2016. However, if you have primary protection or individual protection 2014 you can't apply for individual protection 2016.

Individual protection 2016 gives a protected lifetime allowance equal to the value of your pension rights on 5 April 2016 - up to a maximum of £1.25 million. You will not lose individual protection 2016 by making further savings in to your pension scheme but any pension savings in excess of your protected lifetime allowance will be subject to a lifetime allowance charge.

Applying for Fixed and Individual Protection 2016

HMRC introduced an online self-service for pension scheme members to apply for individual protection 2016 or fixed protection 2016.

Once you have successfully applied for protection the online service will provide you with reference numbers which you will need to keep.

Further information, security and disclaimer

The information in this leaflet is based on the Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (both effective from 1 April 2014) and other relevant legislation.
It applies to individuals who were contributing members of the Local Government Pension Scheme (LGPS) on 1 April 2014 or who have joined the scheme on or after that date. This leaflet is for employees in England or Wales and reflects the provisions of the LGPS and overriding legislation at the time of publication

In the future the Government may make changes to overriding legislation and, after consultation with interested parties, may make changes to the LGPS.

This leaflet is for general use and cannot cover every personal circumstance nor does it cover specific protected rights that apply to a very limited number of employees; nor does it cover rights that apply to a limited number of employees eg those whose total pension benefits exceed the lifetime allowance (£1,055,000 million in 2019/20), those whose pension benefits increase in any tax year by more than the standard annual allowance (£40,000 in 2019/20) or for high earners, the tapered annual allowance, those to whom protected rights apply, those whose rights are subject to a pension sharing order following divorce or dissolution of a civil partnership. In the event of any dispute over your pension benefits, the appropriate legislation will prevail as this leaflet does not confer any contractual or statutory rights and is provided for information purposes only.

The booklet, as the combination of all the leaflets, explains the benefits available to you as a member of the LGPS. It describes how the scheme works, what it costs to be a member and the financial protection that it offers to you and your family.

Where pension terms are used, they appear in *bold italic* type and are described further at the end of the leaflet.

As the Administering Authority of the Fund we hold securely, certain information about you ("personal data"), which we need to administer the Fund. The information is provided by yourself and your employer. If you believe the information we hold is incorrect contact Pension Services. You will find more details, and the full privacy notice on www.oxfordshire.gov.uk/cms/content/administration-and-performance

You are welcome to contact Pension Services with any questions about how we use and or share your information, find out more about your rights or to see what information we hold.

The national website for members of the LGPS is www.lgpsmember.org

For more information or if you have a problem or question about your LGPS benefits, please contact

General enquiries

Pension Services
Oxfordshire Pension Fund
4640 Kingsgate
Cascade Way
Oxford Business Park South
Oxford
OX4 2SU

Telephone: 0330 0241 359

E-mail: pension.services@oxfordshire.gov.uk

Please make an appointment to visit the office.

Website: www.oxfordshire.gov.uk/pensions

You can find out about what you can do if you are not happy about a decision made about your LGPS pension position from the leaflet HELP WITH PENSION PROBLEMS.

Your on-line secure pension record
You can log in to your pension record ***My Oxfordshire Pension*** at https://oxfordshire.pensiondetails.co.uk
You will be able to keep your address details current and find scheme notices and documents on this record.

We will be using ***My Oxfordshire Pension*** as the primary communication method with our scheme members unless we receive a written notice that you are unable to access the internet.

Explanation of the terms as they appeared in ***bold italic type*** in this leaflet

Additional Voluntary Contributions (AVCs)
These are extra payments to increase your future benefits. You can also pay AVCs to provide additional life cover.
All local government pension funds have an AVC arrangement in which you can invest money through an AVC provider, often an insurance company or building society. AVCs are deducted directly from your pay and attract tax relief.

Civil Partnership
A ***Civil Partnership*** is a relationship between two people of the same sex (civil partners) which is formed when they register as civil partners of each other.

Eligible cohabiting partner
An ***eligible cohabiting partner*** is a partner you are living with who, at the date of your death, has met all of the following conditions for a continuous period of at least 2 years:

- you and your cohabiting partner are, and have been, free to marry each other or enter into a ***civil partnership*** with each other, and
- you and your cohabiting partner have been living together as if you were husband and wife, or ***civil partners***, and
- neither you nor your cohabiting partner have been living with someone else as if you/they were husband and wife or ***civil partners***, and
- either your cohabiting partner is, and has been, financially dependent on you or you are, and have been, financially interdependent on each other.

Your partner is financially dependent on you if you have the highest income. Financially interdependent means that you rely on your joint finances to support your standard of living. It doesn't mean that you need to be contributing equally. For example, if your partner's income is a lot more than yours, he or she may pay the mortgage and most of the bills, and you may pay for the weekly shopping.

On your death, a survivor's pension would be paid to your cohabiting partner if:
- all of the above criteria apply at the date of your death, and
- your cohabiting partner satisfies Oxfordshire Pension Fund Committee that the above conditions had been met for a continuous period of at least 2 years immediately prior to your death.

You are not required to complete a form to nominate a cohabiting partner for entitlement to a cohabiting partner's pension. However, you can provide Pension Services with your cohabiting partner's details. Pension Services will require evidence on your death to check that the conditions for a cohabiting partner's pension are met.

Pensionable pay
The pay on which you normally pay contributions is your normal salary or wages plus any shift allowance, bonuses, overtime (both contractual and non-contractual), Maternity Pay, Paternity Pay, Adoption Pay, Shared Parental Pay and any other taxable benefit specified in your contract as being pensionable.

You do not pay contributions on:

- any travelling or subsistence allowances
- pay in lieu of notice
- pay in lieu of loss of holidays
- any payment as an inducement not to leave before the payment is made
- any award of compensation (other than payment representing arrears of pay) made for the purpose of achieving equal pay
- pay relating to loss of future pensionable payments or benefits
- any pay paid by your employer if you go on ***reserve forces service leave*** nor
- the monetary value of a car or pay received in lieu of a car (apart from some historical cases).

Scheme Year
The ***scheme year*** runs from 1 April to 31 March each year.

State Pension Age
This is the earliest age you can receive the basic state pension. ***State Pension Age*** for women was increased between 2010 and December 2018 to be equalised with the ***State Pension Age*** of 65 that applied to men up to December 2018.

State Pension Age equalisation timetable for women

Date of Birth	New State Pension Age
Before 6 April 1950	60
6 April 1950 - 5 April 1951	In the range 60 - 61
6 April 1951 - 5 April 1952	In the range 61 - 62
6 April 1952 - 5 April 1953	In the range 62 - 63
6 April 1953 - 5 August 1953	In the range 63 - 64
6 August 1953 - 5 December 1953	In the range 64 - 65

The ***State Pension Age*** increases to 66 for both men and women between December 2018 and October 2020.

Increase in State Pension Age from 65 to 66 for men and women

Date of Birth	New State Pension Age
6 December 1953 - 5 October 1954	In the range 65 - 66
After 5 October 1954	66

Under current legislation the State Pension Age is due to rise to 67 between 2026 and 2028 and to 68 between 2044 and 2046. However the government has announced plans to bring forward the rise to 68 to between 2037 and 2039.

To find out your ***State Pension Age*** please visit www.gov.uk/calculate-state-pension.