

Police pension schemes (Northern Ireland)

- 1988 Scheme
- Commutation on retirement
- Factors and guidance

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1 Introduction

Scope of this guidance note

- 1.1 Regulation B7 of The Royal Ulster Constabulary Pensions Regulations 1988 (NI SR 1988/374) ("the Regulations") states that a member entitled to an ordinary, short service, ill-health or deferred pension may commute a portion of their pension for a lump sum. Additionally, regulation N2 of the Regulations states that a pension credit member may commute a portion of their pension.
- 1.2 The lump sum is the actuarial equivalent of the commuted portion of pension at the date of retirement, calculated from tables prepared by the Scheme Actuary.
- 1.3 The purpose of this note is to provide the tables for commutation of pension to lump sum in the Police Pension Scheme 1988 (Northern Ireland) ("the 1988 Scheme").
- 1.4 This guidance supersedes the commutation guidance issued by GAD dated 31 October 2018 and any previous guidance or advice issued by the Government Actuary's Department (GAD) in connection with police pension commutation and has immediate effect.
- 1.5 This note should not be used for any purpose other than to determine the commutation factor that should be applied to the amount of pension commuted to provide a lump sum in the 1988 Scheme in Northern Ireland. For example:
 - This guidance does not apply to exchange of lump sum for additional annual pension in the Police Pension Scheme 2006 (Northern Ireland).
 - This guidance does not apply to the commutation of pension for lump sum in the Police Pension Scheme 2015 (Northern Ireland)..
 - This guidance does not apply to the trivial commutation of pension under regulations B8 and E4(3) of the Regulations, regulation 35 of the Police Pensions (Northern Ireland) Regulations 2007 and regulation 202 of the Police Pensions Regulations (Northern Ireland) 2015.
 - This guidance does not cover the calculation of the capitalised value of benefits for the purpose of determining death gratuities under regulation E3 of the Regulations, regulation 42 of the Police Pensions (Northern Ireland) Regulations 2007 and regulation 165 of the Police Pensions Regulations (Northern Ireland) 2015.
 - This guidance does not cover officers in Scotland or England and Wales. These officers are covered under separate guidance.
- 1.6 This note should be considered in its entirety, not as individual sections which if considered in isolation, may be misleading, and conclusions reached by a review of some sections on their own may be incorrect.



1.7 This note only covers the actuarial principles around the calculation and application of commutation factors. Any legal advice in this area should be sought from an appropriately qualified person or source.

Changes to previous guidance

- 1.8 We have revised all of the commutation factors from those set out in the commutation guidance dated 31 October 2018. This guidance note includes updated tables and illustrative examples to show these revised factors.
- 1.9 The factors for ages under 48.5 are only applicable for members retiring in ill-health. In the rare event that a member wishes to commute pension on retirement in normal health before the age of 48.5 please refer the case to GAD.
- 1.10 The guidance and formulae that should be used to calculate commutation lump sums in the 1988 Scheme is otherwise unchanged.

1.11

Use of the guidance

- 1.12 This guidance has been prepared for the use of the Department of Justice and PSNI for the purposes of demonstrating the application of the factors covered by this guidance only.
- 1.13 This guidance assumes some knowledge of general pension terminology, and some familiarity with retirement calculations for the Police Pension Schemes.
- 1.14 Any questions concerning the application of the guidance should, in the first instance, be referred to the Police Powers and Strategy Division at the Department of Justice. The Department of Justice will seek input from the scheme actuary if necessary.

Third party reliance

- 1.15 Other than the Department of Justice and PSNI no person or third party is entitled to place any reliance on the contents of this guidance, except to any extent explicitly stated herein. GAD has no liability to any person or third party for any action taken or for any failure to act, either in whole or in part, on the basis of this guidance.
- 1.16 This note does not provide advice on whether a member should commute any part of their pension. Third parties should not rely on this guidance, but should separately seek their own actuarial advice where appropriate.

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2 Administration

- 2.1 The amount of 1988 Scheme pension that can be commuted is subject to the limits set out in the Regulations. In most cases a quarter of the pension can be commuted. With some exceptions, an ordinary pension in respect of at least 25 but less than 30 years of service can be commuted to give a maximum lump sum of no more than two and a quarter times the full amount of the gross annual pension. Please refer to the Regulations for full details of the commutation limits applicable to members.
- 2.2 Regulation B10 of the Regulations describes additional restrictions on the level of pension that can be commuted in certain circumstances.
- 2.3 Restrictions on pension commutation are also imposed by the pension taxation regime under Finance Act 2004. Administrators must ensure that the payment of a lump sum in lieu of pension is compliant with the tax rules as well as with the Regulations. The main taxation restriction is that for a lump sum to be authorised under the tax rules it must not exceed 25% of the total value of benefits crystallised ("25% HMRC limit"). Additionally, where an officer's pension savings exceed HMRC's Lifetime Allowance (LTA) (for retirements prior to 6 April 2023) or £268,275 (for retirements on or after 6 April), an additional tax charge may fall due.

In cases where lump sum benefits are payable in two instalments (as described in paragraphs 2.8 to 2.11), we would expect both lump sums to be separately tested against the member's remaining tax free allowance at the point when each lump sum is paid.

Please refer to HMRC guidance for further information.

- 2.4 There are some scenarios where the 25% HMRC limit could potentially be breached.
 - A member with a commutation factor above 20 commutes 25% of their pension. This can be avoided by commuting a lower proportion of pension.
 - Allocation in accordance with the regulation B9 of the Regulations.

Please refer to HMRC guidance if such cases arise.

1988 Scheme commutation – retiring from active service

2.5 For an officer retiring on pension directly from active pensionable service (and for pension credit members) the lump sum payable can be determined as follows:

1988 Scheme pension given up × factor from Table 1

Equivalently, the pension given up can be determined as follows:

lump sum payable from the 1988 Scheme ÷ factor from Table 1

2.6 Examples 1 and 2 in section 3 illustrate this calculation, including an example showing how it may be possible to prevent breaching the 25% HMRC limit.

Police pension schemes (Northern Ireland)

1988 Scheme - Commutation on retirement Factors and guidance – 3 April 2023

1988 Scheme commutation – break between leaving service and pension commencing

- 2.7 For an officer retiring with a break between leaving service as an active member in the police pension schemes and pension commencing, the commutation lump sum should be calculated as in paragraph 2.5 above in the following cases:
 - if the pension commences at or above age 55; or
 - if the pension commences on grounds of ill health before age 55 and attracts full pension increases.
- 2.8 In other cases, that is where the pension commences before age 55 and the member is not immediately entitled to full pension increases, an alternative calculation is needed. The three main scenarios where this arises are as follows (note others may exist):
 - Officer left service before age 50 with at least 25 but less than 30 years of pensionable service. The 1988 Scheme pension comes into payment at age 50 but pension increases are not payable until 55.
 - Officer left service with a deferred pension entitlement and is later awarded early payment of the pension on ill-health grounds but does not meet the criterion to receive pension increases under the Pensions (Increase) Act. The 1988 Scheme pension comes into payment immediately but pension increases are not payable until 55.
 - Officer opted out of the 1988 Scheme after accruing 30 years' pensionable service but does not take the pension immediately. The 1988 Scheme pension comes into payment later, before age 55, and pension increases are not payable until 55.
- 2.9 In these cases, the lump sum will be payable in two instalments. One lump sum will be payable when the pension commences; a second lump sum will be payable when the member reaches age 55 (when the member becomes entitled to pension increases). The amount of the second lump sum is equal to the amount of the lump sum paid at retirement multiplied by the percentage pension increase applying between the member leaving pensionable service and the pension commencing. The second lump sum is not affected by pension increases accrued after the benefits come into payment.

- 2.10 In these cases, the lump sum (as calculated in accordance with the Regulations) should be split between the two payment dates as follows:
 - a) Lump sum payable when pension commences:

Pension given up x <u>(factor from Table 1 + (PI% x factor from Table 2))</u> 1 + (PI% x factor from Table 3)

b) Lump sum payable at age 55:

Lump sum payable when pension commences × PI%

Where:

PI% is the percentage increase in the pension that is attributable to pension increases effective during the period between leaving pensionable service and the pension commencing. (Pension increases accrued after the pension commences are not to be included.)

2.11 Alternatively, the pension given up can be determined as follows:

Lump sum payable when	х	<u>(1 + (PI% x factor from table 3)</u>
pension commences		Factor from Table 1 + (PI% x factor from Table 2)

2.12 Example 3 in section 3 illustrates this calculation.

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3 **Example calculations**

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

Example 1 – Retiring from active service

Date of birth:	22 December 1973
Date pension commences:	22 December 2023
Pensionable Service:	25 years (continuous service - excluding doubling)
1988 Scheme pension payable:	£20,000 per year
Age on day pension commences:	50 years 0 months
Commutation Factor	26.90 (from Table 1)
	Date pension commences: Pensionable Service: 1988 Scheme pension payable: Age on day pension commences:

- 3.3 The member retires at age 50 with 25 years' service, so the maximum lump sum he can commute according to the Regulations is two and a quarter times the full amount of the pension.
- 3.4 Maximum lump sum = $2.25 \times \pounds 20,000$

= £45,000

3.5 Pension after commutation for maximum lump sum

= £20,000 - (£45,000 ÷ 26.90)

= £18,327.14 per year

Example 2 – Avoiding breaching the 25% HMRC limit

3.6 To illustrate how members may be able to avoid breaching the 25% HMRC limit by commuting less pension than the maximum available under the 1988 Scheme, this example makes use of the current tax regime in force at the time of writing, in its most common form. Administrators should check whether there have been any changes to the tax regime, or whether any additional complexities apply, before undertaking individual calculations. Individuals may wish to seek financial advice regarding pensions and taxation.

3.7	Date of birth:	15 December 1971
	Date pension commences:	15 December 2023
	Pensionable Service:	30 years (continuous service - excluding doubling)
	1988 Scheme pension payable:	£30,000 per year
	Age on day pension commences:	52 years 0 months
	Commutation Factor =	25.90 (from Table 1)

- 3.8 The member retires from active service at age 52 with 30 years' service, so the maximum amount of pension available to commute according to the Regulations is a quarter of the full amount of the pension.
- 3.9 Maximum lump sum under scheme regulations

= £30,000 × $\frac{1}{4}$ × 25.90

= £194,250

3.10 Pension after commutation for the maximum lump sum permitted under scheme regulations

= £30,000 - (£194,250 ÷ 25.90)

- = £22,500 per year (which is £30,000 × ³/₄)
- 3.11 Under the current tax regime, the maximum lump sum that can be taken without being liable for a tax charge is 25% of the combined assessed value of the post-commutation pension and lump sum. To assess the value of the post-commutation pension HMRC currently use a factor of 20.
- 3.12 Under HMRC's assessment the value of these benefits is therefore:

 $= (\pounds 22,500 \times 20) + \pounds 194,250$

= £644,250

3.13 25% of this:

 $= 25\% \times \pounds644,250$

= £161,062.50

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- 3.14 Therefore, if the member commuted the maximum under the scheme regulations (to give a lump sum of £194,250), they would be liable for a tax charge, as this exceeds the maximum tax-free lump sum permitted (£161,062.50).
- 3.15 To calculate the maximum amount of pension that can be commuted in this case without incurring a tax charge, it is necessary first to calculate the maximum 1988 Scheme lump sum allowable within the HMRC limit.
- 3.16 HMRC's maximum tax-free lump sum is calculated using the following equation:

Maximum lump sum = $\frac{20 \text{ x pension before commutation}}{3+(20 \div \text{ factor from Table 1})}$

 $= \frac{20 \times \pounds 30,000}{3 + (20 \div 25.90)}$

= £159,058 (rounded down to nearest £1)

- 3.17 Setting the lump sum from the 1988 Scheme at this level ensures that the HMRC limit is not exceeded (since it is also within the overall limit of £268,275).
- 3.18 The amount of pension required to be commuted from the 1988 Scheme to provide this maximum *tax-free* lump sum:

= £159,058 ÷ 25.90 = £6,141.24 per year

3.19 The pension remaining after commutation:

= £30,000 - £6,141.24 = **£23,858.76 per year**

3.20 To check that this is within HMRC limits, HMRC's assessment of the value of these benefits is:

 $= (\pounds 23,858.76 \times 20) + \pounds 159,058$ $= \pounds 636,233.20$

3.21 25% of this:

= 25% × £636,233.20 = £159,058.30

3.22 So payment of the lump sum of £159,058 calculated above will not breach the taxfree limit.

Example 3 – Pension commencing at age 51 after earlier opt out on reaching 30 years' service

3.23 As per Example 2, this example shows how members can avoid breaching the 25% HMRC limit by commuting less than the maximum available under the 1988 Scheme. This example makes use of the current tax regime in force at the time of writing, in its most common form. Administrators should check whether there have been any changes to the tax regime, or whether any additional complexities apply, before undertaking individual calculations. Individuals may wish to seek financial advice regarding pensions and taxation.

3.24	Date of birth:	30 June 1972
	1988 Scheme pension at date of leaving pensionable service:	£32,000 per year
	Date pension commences:	15 October 2023
	Accrued pension increases when pension commences (PI%):	10%
	Age on day pension commences:	51 years 3 months

Factor from Table 1 = 26.28Factor from Table 2 = 22.80Factor from Table 3 = 0.872

3.25 Maximum pension that can be commuted under scheme regulations¹:

 $= £32,000 \times \frac{1}{4}$

= £8,000 per year

- 3.26 Leaving a pension after commutation of: £32,000 £8,000 = £24,000 per year
- 3.27 Maximum lump sum payable under scheme regulations when pension commences (using the formula in 2.10a):

= Pension given up x <u>factor from Table 1 + (PI% x factor from Table 2)</u> 1 + (PI% x factor from Table 3)

 $= \pounds 8,000 \times \frac{(26.28 + (10\% \times 22.80))}{(1 + (10\% \times 0.872))}$

= £210,154.53

¹ Based on this member's service and age

- 3.28 Subsequent lump sum payable at age 55 (using the formula in 2.10b):
 - = Lump sum payable when pension commences × PI percentage
 - = £210,154.53 × 10%
 - = £21,015.45
- 3.29 Under the current tax regime, the maximum lump sum that can be taken without being liable for a tax charge is 25% of the combined assessed value of the post-commutation pension and lump sum at each Benefit Crystallisation Event ('BCE'). To assess the value of the post-commutation pension HMRC currently use a factor of 20.
- 3.30 Under HMRC's assessment the value of the above benefits at the pension commencement date is therefore:
 - = (pension after commutation \times 20) + lump sum payable when pension commences
 - $= (\pounds 24,000 \times 20) + \pounds 210,154.53$
 - = £690,154.53
- 3.31 25% of this:
 - = 25% × £690,154.53
 - = £172,538.63
- 3.32 Therefore, if the member commuted the maximum under the scheme regulations at pension commencement (\pounds 210,154.53) they would be liable for a tax charge, as this exceeds the maximum tax-free lump sum permitted (\pounds 172,538.63).
- 3.33 To calculate the maximum amount of pension that can be commuted in this case without incurring a tax charge, it is necessary first to calculate the maximum 1988 Scheme lump sum allowable within the HMRC limit.
- 3.34 HMRC's maximum tax-free lump sum at the pension commencement date is calculated using the following equation:

Maximum lump sum = $\frac{20 \text{ x pension before commutation}}{(3 + (20 \text{ x} (1 + \text{PI}\% \text{ x F3}) \div (\text{F1} + \text{PI}\% \text{ x F2})))}$

Where	F1 is the factor from Table 1
	F2 is the factor from Table 2
	F3 is the factor from Table 3

3.35 Inserting the factors and PI% into the formula:

Maximum lump sum = $20 \times £32,000$ (3 + (20 x (1 + 10% x 0.872) ÷ (26.28 + 10% x 22.80))) = £ 170,151 (rounded **down** to nearest £1)

- 3.36 Setting the lump sum payable at the date pension commences from the 1988 Scheme at this level ensures that the HMRC limit is not exceeded (since it is also within the overall limit of £268,275).
- 3.37 The amount of pension required to be commuted from the 1988 Scheme to provide this maximum *tax-free* lump sum (using the formula in 2.11):

 $= \pounds 170,151 \times \frac{1 + (PI\% \text{ x factor from Table 3})}{\text{Factor from Table 1 + (PI\% x factor from Table 2)}}$ $= \pounds 170,151 \times \frac{(1 + (10\% \times 0.872))}{26.28 + (10\% \times 22.80)}$

= £6,477.18 per year

3.38 The pension remaining after commutation:

= £32,000 - £6,477.18

- = £25,522.82 per year
- 3.39 *Tax-free* lump sum from the 1988 Scheme at age 55 (using the formula in 2.10b):

= £170,151 × 10%

= £17,015.10

3.40 To check that this is within HMRC limits, HMRC's assessment of the value of these benefits is:

 $= (\pounds 25,522.82 \times 20) + \pounds 170,151$

= £680,607.40

3.41 25% of this:

= 25% × £680,607.40

= £170,151.85

3.42 So payment of the lump sum of £170,151 calculated above will not breach the taxfree limit.

4 Tables of factors

Table 1 – Factors for commutation of pension to lump sum

Factors **highlighted** should only be used for ill-health retirements. Normal health retirements at these ages should be referred to GAD.

Males and Females

Veene	Age in years and completed months on day pension commences										S	
Years	0	1	2	3	4	5	6	7	8	9	10	11
Below 48	28.20											
48	28.20	28.20	28.20	28.20	28.20	28.20	27.50	27.47	27.43	27.40	27.37	27.33
49	27.30	27.27	27.23	27.20	27.17	27.13	27.10	27.07	27.03	27.00	26.97	26.93
50	26.90	26.86	26.82	26.78	26.73	26.69	26.65	26.61	26.57	26.53	26.48	26.44
51	26.40	26.36	26.32	26.28	26.23	26.19	26.15	26.11	26.07	26.03	25.98	25.94
52	25.90	25.86	25.82	25.78	25.73	25.69	25.65	25.61	25.57	25.53	25.48	25.44
53	25.40	25.36	25.32	25.28	25.23	25.19	25.15	25.11	25.07	25.03	24.98	24.94
54	24.90	24.85	24.80	24.75	24.70	24.65	24.60	24.55	24.50	24.45	24.40	24.35
55	24.30	24.25	24.20	24.15	24.10	24.05	24.00	23.95	23.90	23.85	23.80	23.75
56	23.70	23.65	23.60	23.55	23.50	23.45	23.40	23.35	23.30	23.25	23.20	23.15
57	23.10	23.05	23.00	22.95	22.90	22.85	22.80	22.75	22.70	22.65	22.60	22.55
58	22.50	22.45	22.40	22.35	22.30	22.25	22.20	22.15	22.10	22.05	22.00	21.95
59	21.90	21.86	21.82	21.78	21.73	21.69	21.65	21.61	21.57	21.53	21.48	21.44
60	21.40	21.34	21.28	21.23	21.17	21.11	21.05	20.99	20.93	20.88	20.82	20.76
61	20.70	20.65	20.60	20.55	20.50	20.45	20.40	20.35	20.30	20.25	20.20	20.15
62	20.10	20.05	20.00	19.95	19.90	19.85	19.80	19.75	19.70	19.65	19.60	19.55
63	19.50	19.44	19.38	19.33	19.27	19.21	19.15	19.09	19.03	18.98	18.92	18.86
64	18.80	18.75	18.70	18.65	18.60	18.55	18.50	18.45	18.40	18.35	18.30	18.25
65	18.20	18.15	18.10	18.05	18.00	17.95	17.90	17.85	17.80	17.75	17.70	17.65
66	17.60	17.54	17.48	17.43	17.37	17.31	17.25	17.19	17.13	17.08	17.02	16.96
67	16.90	16.85	16.80	16.75	16.70	16.65	16.60	16.55	16.50	16.45	16.40	16.35
68	16.30	16.24	16.18	16.13	16.07	16.01	15.95	15.89	15.83	15.78	15.72	15.66
69	15.60	15.55	15.50	15.45	15.40	15.35	15.30	15.25	15.20	15.15	15.10	15.05
70	15.00	14.94	14.88	14.83	14.77	14.71	14.65	14.59	14.53	14.48	14.42	14.36
71	14.30	14.25	14.20	14.15	14.10	14.05	14.00	13.95	13.90	13.85	13.80	13.75
72	13.70	13.64	13.58	13.53	13.47	13.41	13.35	13.29	13.23	13.18	13.12	13.06
73	13.00	12.95	12.90	12.85	12.80	12.75	12.70	12.65	12.60	12.55	12.50	12.45
74	12.40	12.35	12.30	12.25	12.20	12.15	12.10	12.05	12.00	11.95	11.90	11.85
75	11.80											

<u>Table 2</u> – Additional factors in respect of accrued pension increases for use in commutation before age 55 after a break since leaving pensionable service

Factors highlighted should only be used for ill-health retirements. Normal health retirements at these ages should be referred to GAD.

Males and Females

Years	Age in years and completed months on day pension commences											
Tears	0	1	2	3	4	5	6	7	8	9	10	11
Below 48	19.50											
48	19.50	19.50	19.50	19.50	19.50	19.50	21.80	21.83	21.87	21.90	21.93	21.97
49	22.00	22.03	22.05	22.08	22.10	22.13	22.15	22.18	22.20	22.23	22.25	22.28
50	22.30	22.33	22.37	22.40	22.43	22.47	22.50	22.53	22.57	22.60	22.63	22.67
51	22.70	22.73	22.77	22.80	22.83	22.87	22.90	22.93	22.97	23.00	23.03	23.07
52	23.10	23.13	23.17	23.20	23.23	23.27	23.30	23.33	23.37	23.40	23.43	23.47
53	23.50	23.53	23.57	23.60	23.63	23.67	23.70	23.73	23.77	23.80	23.83	23.87
54	23.90	23.93	23.97	24.00	24.03	24.07	24.10	24.13	24.17	24.20	24.23	24.27

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<u>Table 3</u> – Timing adjustment factors for use in commutation before age 55 after a break since leaving pensionable service

Factors highlighted should only be used for ill-health retirements. Normal health retirements at these ages should be referred to GAD.

Males and Females

Years	Age in years and completed months on day pension commences											
rears	0	1	2	3	4	5	6	7	8	9	10	11
Below 48	0.704											
48	0.704	0.704	0.704	0.704	0.704	0.704	0.788	0.791	0.794	0.797	0.800	0.803
49	0.803	0.805	0.807	0.810	0.812	0.815	0.817	0.820	0.822	0.825	0.827	0.830
50	0.833	0.835	0.838	0.840	0.843	0.845	0.848	0.851	0.853	0.856	0.858	0.861
51	0.864	0.866	0.869	0.872	0.874	0.877	0.880	0.882	0.885	0.888	0.890	0.893
52	0.896	0.899	0.901	0.904	0.907	0.910	0.912	0.915	0.918	0.921	0.924	0.926
53	0.929	0.932	0.935	0.938	0.941	0.944	0.946	0.949	0.952	0.955	0.958	0.961
54	0.964	0.967	0.970	0.973	0.976	0.979	0.982	0.985	0.988	0.991	0.994	0.997

5 Assumptions underlying factors

Financial assumptions

Nominal discount rate	3.73% pa
CPI	2.00% pa
Real discount rate (in excess of CPI)	1.70% pa

Mortality assumptions

Base mortality tables and adjustments

As recommended for 2020 valuation:

<u>Normal health</u> Males: 107% of S3NMA and Females: 115% of S3NFA

III health Males: 105% of S3NMA_H and Females: 121% of S3NFA_H

Based on ONS principal UK population

Future mortality improvement

Year of Use

2024

projections 2020

Other assumptions

Proportion of male members for unisex factors	70% below age 48.5
	75% at age 48.5 and above

Weighting for ill health retirements

Under age 48.5: 100% Age 48.5 to age 59: 5% Over age 59: Nil

6 Limitations

- 6.1 This guidance should not be used for any purpose other than those set out in this guidance.
- 6.2 The factors contained in this guidance are subject to regular review. Scheme managers and administrators need to ensure that they are using the latest factors, as relevant, when processing cases.
- 6.3 Advice provided by GAD must be taken in context and is intended to be considered in its entirety. Individual sections, if considered in isolation, may be misleading, and conclusions reached by a review of some sections on their own may be incorrect. GAD does not accept responsibility for advice that is altered or used selectively. Clarification should be sought if there is any doubt about the intention or scope of guidance provided by GAD.
- 6.4 This guidance only covers the actuarial principles around the calculation and application of cash commutation on retirement factors. Any legal advice in this area should be sought from an appropriately qualified person or source.
- 6.5 Scheme managers and administrators should satisfy themselves that cash commutation factor calculations and benefit awards comply with all legislative requirements.
- 6.6 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 the Department of Justice and GAD. Under no circumstances should this guidance take precedence over the Regulations. Administrators should ensure that they comply with all relevant Regulations.