Sackers

Quarterly Briefing
September 2013

Highlighting significant developments in pensions law, covering key areas such as pensions reform, regulatory developments, new legislation and cases.

Quarterly Briefing September 2013

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On the front cover this quarter: Ferdinand Lovett (Solicitor) and Ralph McClelland (Associate)

Abbreviations commonly used in the Quarterly Briefing:

AA: Annual Allowance

Alert/News: Sackers Extra publications (available from the Sackers Extra area of our website or your usual contact)

AVCs: Additional voluntary contributions

CJEU: Court of Justice of the European Union

CN: Contribution Notice

CPI: Consumer Prices Index

DB: Defined Benefit

DC: Defined Contribution

DWP: Department for Work & Pensions

EIOPA: European Insurance and Occupational Pensions Authority

FAS: Financial Assistance Scheme

FCA: Financial Conduct Authority

FP14: Fixed Protection 2014

FSD: Financial Support Direction

HMRC: HM Revenue & Customs

IP14: Individual Protection 2014

LGPS: Local Government Pension Scheme

LTA: Lifetime Allowance

NAPF: National Association of Pension Funds

NICs: National Insurance Contributions

PRA: The Prudential Regulation Authority

PPF: Pension Protection Fund

S2P: State Second Pension

SERPS: State Earnings Related Pension

SPA: State Pension Age

TPR: The Pensions Regulator

Current Legal Agenda

DC schemes

Autumn 2013 will be busy for trustees of schemes offering DC benefits.

More detail can be found on page 5

TPR's new DC code of practice is due to come into force in November 2013 and will apply to trustees of all occupational DC trust based schemes (including those which offer AVCs under occupational DB schemes). Sackers have analysed the code and created a framework for evidencing compliance and identifying any gaps. Please contact your usual Sackers' contact for more information.

Long awaited, a consultation on Government plans to implement changes to the definition of "money purchase benefits" following the Supreme Court's ruling in the *Bridge Trustees*[1] case is now imminent. The case concluded that certain benefits could be characterised as DC, despite the potential for a deficit to arise in respect of them. Trustees of hybrid schemes, particularly those providing guarantees or offering in-scheme pensions for DC pots, need to have this firmly in their sights.

We can also expect a consultation on the proposed assessment criteria for master trusts, and a joint publication from the FCA and TPR on the regulation of workplace personal pensions.

Pensions tax

For the latest developments, see page 3

The Finance Act 2013 received Royal Assent on 17 July 2013. As well as measures to reduce the AA to £40,000 and the LTA to £1.25 million from 6 April 2014, it includes a new transitional protection against the LTA charge (Fixed Protection 2014) and provisions to align the tax rules for bridging pensions with forthcoming changes in SPA.

Pension liberation

There continues to be evidence of a rise in so-called pension liberation schemes which promise the early release of savings that are otherwise locked into pension schemes and not normally accessible before age 55 without tax consequences.[2] In some instances the arrangements may even be fraudulent, with the member receiving few or no benefits post transfer. A case currently before the High Court, which challenges the legal status of nine schemes suspected of being pension liberation vehicles, has been adjourned until the autumn.

Disclosure

Implementation delayed until 2014

The simplification of existing disclosure requirements for pension schemes has long been on the Government's radar. Regulations designed to simplify and streamline existing provisions for both occupational and personal pension schemes, and to clarify the conditions governing electronic communications, will come into force on 6 April 2014.[3]

Investment matters

A key area of focus for pension schemes as investors is the implementation of the Alternative Investment Managers Directive, which member states had until 22 July 2013 to bring into force. It applies to managers of "collective investment undertakings" (other than those which are subject to UCITS), including hedge funds, private equity funds and real estate funds. Both open-ended and closed-ended vehicles, as well as listed and unlisted vehicles, can be alternative investment funds for the purposes of the directive.

For details of this and other issues affecting pension scheme investors, please see our next *Investment Briefing*, which will be available in the autumn.[4]

1 *Bridge Trustees v Secretary of State for Work and Pensions (Imperial Home Décor)* [2011] 078 PBLR. Please see our Alert: "Bridge too far? DWP set to legislate" (28 July 2011)

2 Please see our Alert: "Pension Liberation - what trustees need to know" (19 April 2013)

3 Please see our Alert: "Response to consultation on disclosure" (1 August 2013)

4 Previous editions of our Investment Briefing can be found on the dedicated Finance & Investment page of our website

Pensions Reform

State pension changes[5]

Single tier state pension

Flat rate pension from April 2016

The state pension currently comprises the basic state pension, the additional state pension (known as S2P but formerly SERPS) which is linked to earnings, and the pension credit (a means tested benefit). But from 6 April 2016, individuals with 35 or more "qualifying years" of NICs will be entitled to a flat rate state pension under provisions contained in the Pensions Bill 2013.

Until then, the current state pension arrangements will continue to apply to people who reach SPA before 6 April 2016 and transitional arrangements will be introduced to ensure that individuals will not lose out if, at the date of the change, they would have been entitled to a higher payment than under the new flat rate pension.

Abolition of DB contracting-out

The start of the new flat rate state pension will also mark the end of contracting-out on a DB basis.

When DC contracting-out was abolished, protected rights generally converted into standard DC benefits. By contrast, on the abolition of DB contracting-out, past service contracted-out rights will be retained within schemes and will remain subject to the same statutory requirements as before.

Employers will have a statutory power (without the need for trustee consent) to amend scheme rules to adjust members' future pension accruals or contributions to take into account the loss of the contracting-out rebate. However, actuarial consent will be required to certify that the proposed amendments meet certain statutory requirements. Although the power may be used more than once, it will only be available for a limited five year period.

Increase in State Pension Age

Rise in state pension age brought forward

Under plans originally put forward by the Labour Government, SPA was due to increase to age 67 between 6 April 2034 and 5 April 2036. The Pensions Bill provides for this timetable to be accelerated, bringing the increase forward to 5 March 2028. The Bill also makes provision for SPA to be reviewed periodically by the Secretary of State in the light of changes in life expectancy and other relevant factors, with the first review due before 7 May 2017.

Bridging pensions

Some DB schemes pay members who retire before SPA a higher pension at the outset, which is then reduced at SPA to take account of state pension coming into payment. The aim is to allow the member to receive a similar overall level of income in retirement, regardless of when state pension actually starts.

Subject to certain conditions being met, the DWP has issued regulations[6] that will allow the trustees of schemes which provide bridging pensions to modify their rules, by resolution, to take account of the changes being made to SPA (by altering the amount and timing of the reduction in pension).[7]

5 Please see our Alert: "Pensions Bill 2013" (15 May 2013)

6 The Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2013

7 Please see our Alert: "Power for trustees to modify bridging pensions" (25 July 2013)

Pensions tax

Annual Allowance and bulk transfers

HMRC is addressing a number of unintended outcomes from changes to the AA charge rules in the Finance Act 2011 and plans to introduce a revised Order (subject to consultation) with effect from the tax year 2011/12 onwards. A specific focus is the current uncertainty about the tax treatment for AA purposes of underfunded bulk transfers between DB arrangements. This is currently causing difficulties, particularly for schemes seeking to merge where member benefits will be unchanged following the transfer. HMRC has issued a note to stakeholders[8] confirming its intention that pension input amounts should not arise in certain specified circumstances.

Reduction in the Lifetime Allowance

Finance Act 2013 in force

The LTA is the total amount of tax relieved pension savings that an individual can build up over their lifetime without incurring an additional tax charge. DC benefits are assessed by reference to an individual's pot and DB savings by capitalising the value of the pension (applying a factor of 20).

The Finance Act 2013 provides for the reduction in the LTA from the tax year 2014/15 onwards, from £1.5 million to £1.25 million. Individuals will be able to apply for transitional protection, subject to certain eligibility conditions.

Fixed protection 2014

Based on the fixed protection framework introduced in 2012, FP14 will allow an individual to maintain an LTA of the greater of £1.5 million and the standard LTA. FP14 can be lost:

- in a DC arrangement, if contributions are paid to the scheme by the member or someone else on their behalf, or employer contributions are paid;
- in a DB arrangement, if the pension and lump sum rights of a member increase by more than the relevant percentage[9] at any time during a tax year;
- if a new arrangement is established in respect of the individual; and
- on a transfer, subject to certain limited exceptions.

Individuals can give notice to HMRC on or before 5 April 2014 that they intend to rely on FP14.[10]

Individual protection

Consultation on new Individual Protection

The Government is consulting[11] on the detail of a new individual protection regime that will entitle individuals to an LTA of the greater of the value of their pension rights as at 5 April 2014 (up to an overall maximum of £1.5 million) or the standard LTA.[12] While IP14 is not due to be subject to any restrictions on accruing further benefits or paying future contributions, current proposals indicate that any increase (including those required by legislation) above the personalised LTA on or after 6 April 2014 will be subject to an LTA charge.

Individuals are expected to have until 5 April 2017 to apply for IP14.

8 Interim announcement from HMRC (16 July 2013)

9 For FP14 purposes, generally the annual rate of revaluation specified in the scheme rules as of 11 December 2012 or CPI where none is specified

10 The Registered Pension Schemes and Relieved Non-UK Pension Schemes (Lifetime Allowance Transitional Protection) (Notification) Regulations 2013

11 Pensions tax relief - individual protection from the lifetime allowance charge (10 June 2013)

12 Please see our Alert: "Lifetime Allowance - the Government consults on "individual protection" (13 June 2013)

Public sector pension reforms[13]

Changes to public sector pension schemes

Under the Government's proposed reforms of the four largest public service pension schemes (the NHS, Teachers, Local Government[14] and Civil Service pension schemes), new schemes will be in place from 1 April 2014, under which:

- pension benefits are linked to average salary;
- "normal pension age" can increase in line with SPA; and
- increased member contributions will be payable.

The Fair Deal

Further consultation on the Fair Deal due

The Fair Deal guidance sets out standards for protecting the occupational pensions of staff who are compulsorily transferred to private sector employers, for example, on a public sector outsourcing.

HM Treasury is due to consult on the possible application of the Fair Deal for members of the LGPS and members of the Teachers' Pension Scheme employed in higher and further education, following which a consultation on the legal options for protecting members' pensions is anticipated.

Future structure of the LGPS

The Government has issued a call for evidence[15] on ways of reducing costs in the LGPS. Following the publication of figures for the LGPS, the Government considers there is scope for reforms that would improve performance and reduce management and administration overheads, which cost taxpayers £421 million in England across the 89 funds.

A consultation is expected to be published in early autumn on a number of broad principles for change, designed to improve the efficiency and cost effectiveness of the LGPS.

Governance in the LGPS

Governance changes delayed

The Public Service Pensions Act 2013 includes key provisions on scheme governance for the LGPS, including power for each administering authority to establish local pension boards and to establish a national scheme advisory board. Detailed provisions will be included in regulations due to be in place by April 2014.

Separately, the Department for Communities and Local Government is consulting[16] on governance arrangements in relation to the responsible authority, the scheme manager, the pension board and the scheme advisory board. These provisions are expected to come into force after the new scheme goes live, once the new advisory board and local pension boards have become operational. Until then, the existing LGPS governance arrangements[17] will continue to apply.

LGPS Investment strategies

In a recent report,[18] the NAPF explores the pressures on the LGPS and its investment strategies. The report calls for the Government to facilitate an open debate on the case for local authority schemes to work together to drive efficiency. It also asks for an overhaul of LGPS investment regulations, so that funds that are looking to diversify are not unduly restricted.

13 Please see our Public Sector Briefing (May 2013) for more on key areas of interest for public sector pensions

14 Details of the LGPS changes can be found on the LGPS collaboration team website (the LGA, Unison, GMB and Unite)

15 Call for evidence on the future structure of the Local Government Pension Scheme (21 June 2013)

16 Discussion paper: LGPS new governance arrangements (20 June 2013)

17 Under Section 101 of the Local Government Act 1972

18 Local Government Pension Scheme 2013: Investing in a changing world (May 2013)

DC Focus

Improving member outcomes in DC schemes

New code due in force November 2013

New code of practice for trust based DC schemes[19]

TPR has published the final version of its new code of practice[20] on the legislative requirements for trustees running occupational trust based DC schemes. The DC "quality features" form the core of TPR's regulatory approach, representing the standards and behaviours that TPR expects DC trustees to attain. While trustees need to be familiar with the code as a whole, TPR suggests that they work through each section systematically, for example, prioritising sections and working through the detail on a modular basis.

The code is expected to come into force in November 2013, with TPR's updated regulatory approach document and final DC regulatory guidance (still awaited) due for publication at the same time. The drafts suggested that TPR intends to employ a "comply or explain" regime, using scheme returns to capture this information.

Quality standards for workplace DC schemes

Automatic enrolment is expected to lead to the proliferation of dormant, often small, DC pension pots. In a recent Command Paper,[21] the Government announced that it intends to address this with a system of automatic transfers to a new employer's scheme. The Pensions Bill puts in place a framework to introduce this system, but much of the detail will be set out in regulations.

As part of these proposals, the Government plans to legislate to impose minimum quality standards for automatic transfer schemes and has issued a call for evidence[22] on various features of workplace DC schemes. The responses received are expected to inform the development of a set of minimum legislative standards.

Contribution refunds to cease

The Pensions Bill also provides for the removal of short service refunds from occupational DC schemes in respect of individuals who first become active members, or who re-join a scheme having already taken a refund or transfer, on or after the relevant section comes into force (expected to be in 2014).

Charges

The Government plans to tackle "high and inappropriate" pension charges.

Government challenges inappropriate pension charges

Draft regulations[23] seek to prohibit consultancy charging in DC schemes (both occupational and personal pension arrangements) that are used for automatic enrolment. Schemes will not be able to qualify as automatic enrolment schemes if they allow deductions from a jobholder's contributions or investment returns. However, the ban will not apply to payments in certain circumstances under a legally enforceable agreement between an employer and a third party entered into before 10 May 2013.

In addition, the Government intends to publish a consultation in the autumn, setting out proposals for a cap on default fund charges in DC schemes. Legislation in the Pensions Bill aims to enable the Government to take targeted and effective action.

19 Please see our Alert: "TPR publishes new Code of Practice for DC Schemes" (11 July 2013)

20 Governance and administration of occupational defined contribution trust-based pension schemes (July 2013)

21 Automatic transfers: Consolidating pension savings (May 2013)

22 Quality standards in workplace defined contribution pension schemes (4 July 2013)

23 The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2013

European Union

Review of the Pensions Directive

Funding provisions on hold: Focus on governance and transparency

“Holistic Balance Sheet” on hold

Back in 2010, the European Commission embarked on a review of the EU Pensions Directive.[24] A key focus in the preliminary stages of the review has been occupational pension scheme funding, with the Commission seeking to “maintain a level playing field between insurance companies and pension funds when they supply similar and interchangeable products”. With a view to imposing insurance company style capital requirements,[25] EIOPA devised a system that would allow occupational pension schemes to be valued on the basis of the “Holistic Balance Sheet” (HBS), under which they would be able to balance liabilities by a mixture of assets, contingent assets, sponsor support and possible access to compensation schemes (such as the PPF). EIOPA’s final report on its quantitative impact assessment[26] revealed significant disparity regarding the possible impact of the HBS.

The Commission has since announced that these plans are on hold for now,[27] although they are expected to be subject to further review in due course. In the meantime, it is pressing ahead with proposals to strengthen the requirements for schemes in the areas of governance and transparency (already a key focus in the UK and an area on which there is broad consensus around the EU). A proposal for a directive along these lines is anticipated in autumn 2013.

Portability Directive

Directive on improving the portability of supplementary pension rights

The EU Council of Employment, Social Policy, Health and Consumer Affairs has agreed a general approach on the EU Commission’s proposal for a directive to improve the portability of supplementary pension rights.

The proposed directive requires member states to implement minimum requirements for acquiring and preserving the pension rights of people who go to work in another member state. While member states are to remain responsible for the conditions under which people change jobs within the same country, the Commission expects them to apply the standards laid down by the portability directive to internal mobility as well.

Personal pensions

Development of a single market for personal pensions

Back in 2012, EIOPA was asked to provide technical advice on measures needed to create a single market for personal pensions. Its current discussion paper[28] focuses on three key aspects:

Single market for personal pensions?

- a possible definition of a personal pension;
- potential cross-border frameworks; and
- consumer protection, including the disclosure of information and selling practices.

The next step will be a report to the EU Commission on possible options (likely to be in early 2014).

24 Directive 2003/41/EC of the European Parliament and of the Council on the activities and supervision of institutions for occupational retirement provision

25 As required under Solvency II (Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance)

26 Report on the Quantitative Impact Study on IORPS (4 July 2013)

27 European Commission Memo (23 May 2013)

28 Discussion Paper on a possible EU single market for personal pension products (16 May 2013)

Regulatory

House of Commons

No combined regulator

The Government has rejected[29] the Work & Pensions Committee's recommendation[30] that it should reassess the case for establishing a single body with sole responsibility for regulating workplace pensions, on the basis that the "overall regulatory architecture" is sound. Responsibility is currently divided between TPR (which regulates trust based schemes), the FCA and the PRA (with responsibility for contract based schemes/providers).

The Pensions Regulator

Revised codes and guidance on the late payment of contributions[31]

Reporting late payments

TPR has published revised codes and guidance on reporting the late payment of contributions in DC pension arrangements.[32] The Codes set out how occupational scheme trustees and the managers of personal pension schemes should: monitor the payment of contributions due under the payment schedule / direct payment arrangements (as appropriate); provide sufficient information to enable members to check contributions; and report material payment failures to TPR and members within a reasonable period.

The revised codes are expected to come into force in autumn 2013.

The Pension Protection Fund

PPF compensation increase for long serving members

Annual increase for long serving members

The Government has announced[33] plans to increase the PPF compensation cap for individuals who have been members of a pension scheme for a long time. It is intended that capped compensation[34] will increase by 3% for each full year of service over 20 years (subject to an overall limit of twice the compensation cap). Anyone in receipt of capped compensation affected by the change will receive an increase from the date the legislation is in place. The DWP estimates[35] that the cost of this measure will give rise to an expected increase in the PPF levy of 3.9% for the period to 2030, all other factors remaining unchanged.

Other PPF news

The PPF has announced in its Strategic Plan for 2013-2016[36] that it expects to be equivalent in size to one of the five largest pension funds in the UK by 2016, with 500,000 members and assets of around £22 billion, and to be on course to meet its long-term funding target. The PPF has also:

- introduced an enhanced responsible investment framework, intended to reinforce its commitment to responsible and sustainable investment;[37] and
- announced that it will use Experian as its new Insolvency Risk Provider from 2015.[38]

29 Government Response to the Committee's Sixth Report of Session 2012-13 (26 June 2013)

30 Improving governance and best practice in workplace pensions (25 April 2013)

31 Please see our Alert: "Revised codes and guidance on late payment of contributions"(12 June 2013)

32 Code 5 and Code 6 on the reporting of late payment of contributions

33 In a Written Ministerial Statement on 25 June 2013

34 For details, please see the summary of PPF benefits on our website

35 In an impact assessment (16 April 2013)

36 PPF Strategic Plan 2013/16 (20 May 2013)

37 PPF Responsible Investment strategy

38 PPF Press Release (31 July 2013)

Cases

Court of Justice of the European Union

Hogan v Minister for Social and Family Affairs (Ireland)[39]

The EU Insolvency Directive requires member states to protect the pension benefits of current and former employees under an occupational pension scheme, in the event of the sponsoring employer's insolvency. In 2009, Waterford Crystal Limited was declared insolvent and its two DB schemes wound up with a deficit of approximately €110 million. Waterford employees estimated that some would only receive between 18% and 28% of their benefits.

The CJEU ruled that Ireland had failed to implement the Directive adequately into its national law and, following the court's earlier decision in *Robins* concerning the collapse of Allied Steel and Wire in the UK,[40] had not put in place sufficient protective measures for pension scheme members. In that case, the CJEU found that the Directive requires an employee to receive at least half of their accrued pension benefits on an employer's insolvency.

Irish Government criticised for failing to provide adequate pension compensation

By the time the judgment in *Robins* was delivered, the UK had put in place both the PPF and FAS to provide compensation in the event of an employer's insolvency. However, entitlement to PPF compensation for certain members (early retirees and deferred members) is limited to 90% of their accrued benefits and subject to a "compensation cap", meaning members could receive less than half of their accrued benefits in certain circumstances. The UK could therefore still be at risk of claims for failing to safeguard members' benefits – a factor which may have precipitated the recent announcement that PPF compensation is to be increased for long serving members.

Supreme Court

Judgment in the Nortel / Lehman appeals[41]

The Supreme Court has concluded that FSDs issued by TPR rank as a provable debt in an insolvency, meaning that they rank alongside the debts owed to other creditors.

In 2010, TPR issued FSDs against companies within the Lehman and Nortel groups. In each group there was a significant employer debt. TPR's ability to enforce the FSDs was challenged by the administrators, who argued that they should not have to take the FSDs into account as they were not a provable debt (ie one which has arisen out of matters which have occurred, or begun to occur, prior to the insolvency cut-off date). TPR argued that it was an expense of the administration and should therefore be paid out before other creditors.

FSDs rank alongside other debts

Both the Court of Appeal and the High Court found that they were bound by precedent to find that FSDs were an expense of the administration, albeit that this outcome was "likely to prove unfair to the creditors of an insolvent target". The liability under an FSD (or CN) could not be classed as a provable debt as no prior legal obligation under the FSD regime existed before the companies entered administration. Instead, the statutory liabilities were held to constitute liquidation expenses because they were "necessary disbursements" of the liquidator.

The Supreme Court, however, had "little concern" about overruling the earlier decisions that had led the lower courts to their conclusions. It declared that a target company's liability under the FSD regime, arising out of an FSD issued after the company has gone into administration, ranks as a provable debt of the company rather than as an expense of the administration.

While giving an FSD or CN 'super priority' due to a quirk in timing would have been a boon for pension scheme members, this pragmatic decision provides insolvency practitioners with much needed clarity and TPR with the potential for a degree of recovery from insolvent companies.

39 CJEU Case C 398/11

40 *Robins v Secretary of State for Work and Pensions* [2007] Case C-278/05

41 [2013] UKS C 52. See also TPR's statement on the 'Nortel-Lehman' Supreme Court judgment (24 July 2013)

Court of Appeal

The Trustees of the Olympic Airlines SA Pension and Life Insurance Scheme v Olympic Airlines SA

Members not protected under the PPF

Olympic Airlines SA (OA) was liquidated in Greece, but as this was not a "qualifying insolvency event" for PPF purposes it did not trigger PPF entry for the scheme. The trustees applied to the court for a UK order to wind up OA so that there could be a qualifying insolvency event, making members eligible for PPF compensation.

EU insolvency law allows secondary proceedings to be brought which run in parallel with the main proceedings. These may be brought in a member state where the debtor has an "establishment", ie "any place of operations where the debtor carries out a non-transitory economic activity with human means and goods".

Although OA had a head office, premises and a ticket office in England, staff had been given notice of termination of their contracts and the employer had given notice to stop contributions to the pension scheme by the time the trustees applied to court. Disagreeing with the High Court's conclusions, the Court of Appeal found that the internal running down of OA's business in England was not sufficient to meet the definition of an "establishment". There was no jurisdiction for the trustees to commence secondary insolvency proceedings in the UK and so the scheme does not qualify for the PPF.

The analysis in this judgment suggests that there may be a greater likelihood of obtaining a winding-up order in the UK if prompt action is taken, to make it easier to meet the "establishment" test.

Employment Tribunal

Seldon v Clarkson Wright & Jakes[42]

As an equity partner in a firm of solicitors (CJW), Mr Seldon signed a partnership deed that provided for each equity partner who attained age 65 to retire the following 31 December. A subsequent deed permitted equity partners to remain after age 65 with the consent of the other partners. As Mr Seldon was not offered any post-retirement position, his equity partnership ceased and he brought age discrimination proceedings before the employment tribunal.[43]

Maintaining a default retirement age was justified in the circumstances

Mr Seldon's case reached the Supreme Court, where his appeal was dismissed. However, the court found that the tribunal had not applied the correct test when considering whether CJW's aims in retaining a default retirement age were legitimate. It concluded that, when justifying direct age discrimination, the individual aims of the employer alone are not enough, as those aims should also be consistent with social policy and public interest.

The case returned to the original tribunal to determine whether the retirement provisions in CWJ's partnership deed were justified in all circumstances, weighing CWJ's needs against the potential harm caused by the discriminatory treatment. The tribunal concluded that a narrow range of ages would achieve CWJ's dual aims of staff retention and workforce planning.

Although at the date of Mr Seldon's retirement in 2006 CWJ could objectively justify a compulsory retirement age of 65 in its partnership deed, there has since been a shift in attitude and practices on working beyond age 65 as a result of the abolition of the default retirement age of 65. Employers should therefore take this, and the planned increases to SPA, into account when dealing with staff retirements.

42 ET/1100275/07

43 For summaries of the earlier decisions in this case, please see our website

Events and seminars:

Dates for your diary

Sackers Extra Briefing presents seminar and workshop style briefings addressing topical issues of current interest and relevance.

Event	Date	Details
Liability Driven Investment: Risks and Rewards	10/09/13	**Evening seminar (5:30pm-7:00pm)** Ongoing market volatility and constraints on employer cash flow continue to drive the investment choices of DB scheme trustees, with liability driven investment (LDI) offering a popular method of reducing risk. This interactive session will look at the legal issues, risk trade-offs and latest developments. It is relevant for trustees (and employers) who are new to the subject, as well as those who have already implemented an LDI strategy.
Pensions tax relief changes	19/09/13	**Breakfast seminar (9:00am-10:30am)** Our expert panel looks at what the latest changes will mean in practice.
Quarterly Legal Update	14/11/13	**Breakfast seminar (9:00am-10:30am)** The latest legal and regulatory developments in the pensions world.
Pensions for New Trustees	19/11/13	**Morning workshop (9:00am-12:30pm)** Getting up to speed on the Pension Regulator's Trustee Knowledge and Understanding syllabus.

If you would like to attend any of our seminars, please contact our marketing team at marketing@sackers.com.

Our programme of regular seminars brings together pensions professionals to share and discuss knowledge and best-practice. Part of this rolling programme is our "Quarterly" seminar, which focuses on the latest legal and regulatory developments in the pensions world. Our Quarterly video distils content from this seminar into a bite size chunk, highlighting some of the current key issues. You can access the Quarterly video and our "In focus" series of spotlights on specific pensions issues, by scanning the code below with your smartphone or tablet.

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