STATUTORY INSTRUMENTS

2026 No. 1011

LOCAL GOVERNMENT, ENGLAND

The Surrey (Structural Changes) (Pensions etc.) Order 2026

Made - - - -	*10th September 2026*
Laid before Parliament	*14th September 2026*
Coming into force in accordance with article 1(2)	

The Secretary of State makes this Order in exercise of the powers conferred by sections 15(2) and (3), 17 and 240(10) of the Local Government and Public Involvement in Health Act 2007(**a**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Surrey (Structural Changes) (Pensions etc.) Order 2026.

(2) This Order comes into force on 5th October 2026, save for article 8(3), (5) and (6) which comes into force on 1st April 2027.

(3) This Order extends to England and Wales.

Interpretation

2. In this Order—

"the 1985 Act" means the Local Government Act 1985(**b**);

"the Authority" means the body established by article 3(1).

Establishment of Surrey Pensions Authority

3.—(1) On 5th October 2026 there is to be established a body corporate known as the Surrey Pensions Authority to receive the functions, property, rights and liabilities transferred by or under this Order.

(2) The Schedule has effect in relation to the Authority.

Transfer of pension fund etc.

4.—(1) On 1st April 2027 the local government pension fund maintained by Surrey County Council by virtue of regulations under section 1 of the Public Service Pensions Act 2013 (schemes

(**a**) 2007 c. 28.
(**b**) 1985 c. 51.

for persons in public service)(**a**) ("the fund") vests in the Authority, together with all other functions, property, rights and liabilities which relate wholly to the fund.

(2) The Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008(**b**) apply in relation to any functions, property, rights and liabilities which relate partly to the fund as if the Authority were a successor council.

Reimbursement

5.—(1) The net expenditure of the Authority in any financial year beginning on or after 1st April 2027 must be apportioned between East Surrey Council(**c**) and West Surrey Council(**d**) in proportion to their respective populations as certified in accordance with paragraph (2).

(2) For the purposes of this article, the population of East Surrey Council and West Surrey Council is to be taken to be the number estimated by the Registrar General for England and Wales and certified by them to the Secretary of State as at 31st March 2027, 31st March 2028, and every third anniversary of 31st March 2028.

(3) The Authority may by written demand recover the amounts referred to in paragraph (1) from East Surrey Council and West Surrey Council respectively.

(4) A demand under paragraph (3) may be made quarterly with respect to the net expenditure of the Authority in the periods of 3 months beginning on 1st April, 1st July, 1st October and 1st January in any year.

(5) The Authority may require a payment in advance and on account of a demand under paragraph (3) in relation to a period referred to in paragraph (4), not exceeding the Authority's estimate of the amount of that demand, not earlier than one month before the period commences.

(6) In this article "net expenditure" means all expenditure and costs incurred by the Authority less receipts (if any), but excluding any expenditure or costs payable out of, or receipts which fall to be credited to, a pension fund maintained by the Authority by virtue of regulations under section 1 of the Public Service Pensions Act 2013.

Continuity of the exercise of functions

6.—(1) Anything done by or in relation to (or having effect as if done by or in relation to) Surrey County Council in exercise of or in connection with a matter transferred by or under article 4 is, so far as is required for continuing its effect on or after 1st April 2027, to have effect as if it were done by or in relation to the Authority.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, decision or determination, to the giving of any notice, to the entering into of any agreement or other instrument(**e**), and to the bringing of any action or proceeding, but it is not to be construed as transferring an employee of Surrey County Council to the employment of the Authority(**f**).

(3) Any pending action or proceeding may be amended in such manner as may be necessary or proper in consequence of this Order.

(**a**) 2013 c. 25. The relevant operative regulations are S.I. 2013/2356, which are treated as having been made under section 1 of the Public Service Pensions Act 2013 by virtue of section 28 of that Act.
(**b**) S.I. 2008/2176. See article 2(1) for the definition of "successor council".
(**c**) East Surrey Council is established from 1st April 2027 by article 4 of S.I. 2026/264.
(**d**) West Surrey Council is established from 1st April 2027 by article 5 of S.I. 2026/264.
(**e**) This includes in particular an admission agreement within the meaning of Schedule 1 to S.I. 2013/2356.
(**f**) See article 7 in respect of staff transfers.

Transfers of staff

7.—(1) Notwithstanding regulation 3(5) of the TUPE Regulations, the transfer of functions from Surrey County Council to the Authority by or under article 4 is to be treated for all purposes as a relevant transfer within the meaning of the TUPE Regulations, whether or not, apart from this provision, the TUPE Regulations would otherwise apply.

(2) In this article, "the TUPE Regulations" means the Transfer of Undertakings (Protection of Employment) Regulations 2006(**a**).

Consequential amendments

8.—(1) In section 10 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (employment to which this Order applies: employers immediately before the relevant event — miscellaneous bodies)(**b**), after paragraph 24 insert—

"24ZA. The Surrey Pensions Authority.".

(2) The Local Government Pension Scheme Regulations 2013(**c**) are amended in accordance with paragraphs (3) to (6).

(3) In regulation 64 (special circumstances where revised actuarial valuations and certificates must be obtained), after paragraph (22) insert—

"(23) Where the exiting employers are Surrey County Council, Elmbridge Borough Council, Epsom and Ewell Borough Council, Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Runnymede Borough Council, Spelthorne Borough Council, Surrey Heath Borough Council, Tandridge District Council, Waverley Borough Council and Woking Borough Council—

(a) the assets and liabilities of the fund in respect of benefits due to or in respect of current or former employees (or those of any predecessor authority) of the exiting employers are to be allocated between East Surrey Council and West Surrey Council in proportions to be determined by the Surrey Pensions Authority, and

(b) paragraph (24) applies.

(24) Where this paragraph applies, no exit payment or exit credit is due under paragraph (1) and paragraph (2) does not apply.

(25) In determining the proportions for the purposes of paragraph (23)(a) the Surrey Pensions Authority must seek advice from an actuary and consult with East Surrey Council and West Surrey Council.".

(4) In Part 1 of Schedule 2 (Scheme employers), at the end insert—

"30. The Surrey Pensions Authority.".

(5) In Part 1 of Schedule 3 (pension funds), at the end insert—

"(ze) the Surrey Pensions Authority.".

(6) In the table after paragraph 4 in Part 2 of Schedule 3, at the end insert—

"An employee of the following local authorities:	The Surrey Pensions Authority".

(**a**) S.I. 2006/246, to which there are amendments not relevant to this Order.
(**b**) S.I. 1999/2277; relevant amendments are made by S.I. 2004/1682.
(**c**) S.I. 2013/2356; relevant amending instruments are S.I. 2014/1012, 2014/1146, 2015/755, 2016/449, 2016/653, 2017/126, 2017/251, 2018/103, 2018/269, 2018/493, 2019/615, 2020/123, 2020/179, 2020/983, 2021/272, 2023/187, 2023/402, 2023/972, 2023/1432, 2024/232, 2024/402, 2025/113, 2025/115, 2025/117, 2025/118, 2026/158, 2026/159 and 2026/362

East Surrey Council
West Surrey Council

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Jim McMahon
Parliamentary Under-Secretary of State
10th September 2026 Ministry of Housing, Communities and Local Government

SCHEDULE *Article 3(2)*

Surrey Pensions Authority

1.—(1) The Authority is to consist of members of the constituent councils appointed by those councils to be members of the Authority.

(2) The constituent councils are East Surrey Council and West Surrey Council.

(3) The number of members to be appointed by each constituent council to the Authority is as follows—

Constituent Council	Number of members to be appointed
East Surrey Council	5
West Surrey Council	5

(4) As soon as practicable after receiving notice from a constituent council under paragraph 2(1) or (2) or under the provisions of the 1985 Act applied by paragraph 5 that it has made or terminated an appointment to the Authority, the Authority must give public notice of the fact that the appointment has been made or terminated and the name of the person concerned.

2.—(1) The East Surrey shadow authority (within the meaning of article 18 of the Surrey (Structural Changes) Order 2026(**a**)) must appoint the first members in respect of East Surrey Council by 1st January 2027 by notice of appointment given to Surrey County Council.

(2) The West Surrey shadow authority (within the meaning of article 30 of the Surrey (Structural Changes) Order 2026) must appoint the first members in respect of West Surrey Council by 1st January 2027 by notice of appointment given to Surrey County Council.

(3) The first meeting of the Authority must be held on or before 1st February 2027 and is to be treated as its annual meeting for the year 2027.

(4) The meeting must be convened, and held at a place appointed, by the officer whose duty it is to summon meetings of Surrey County Council.

(5) Notice of the meeting must be published at the place where the meeting is to be held and summonses to attend the meeting must be signed by the officer referred to in sub-paragraph (4).

(6) Until the completion of the election of a chairman and vice-chairman at the meeting, the functions falling to be exercised by the chairman and vice-chairman are to be exercised by a member of the Authority chosen by the members of the Authority present at the meeting.

(7) At the meeting, any functions which fall to be exercised by the officer whose duty it is to summon meetings of the Authority are to be exercised by the officer referred to in sub-paragraph (4).

(8) The standing orders for the regulation of the proceedings and business of Surrey County Council are, so far as practicable, to apply at the meeting.

(9) If it appears to the Secretary of State that the first meeting of the Authority is not likely to be convened within the time specified by sub-paragraph (3), the Secretary of State may convene the meeting and appoint the place where it is to be held, and in any such case the meeting is to be held as soon as practicable.

(**a**) S.I. 2026/264.

(10) Where the Secretary of State convenes a meeting under sub-paragraph (9)—

(a) the Secretary of State must sign the summonses referred to in sub-paragraph (5), and

(b) the functions referred to in sub-paragraph (7) are to be exercised by a person appointed by the Secretary of State.

(11) Schedule 12 to the Local Government Act 1972 (meetings and proceedings)(**a**) as applied by paragraph 3(o) below applies subject to this paragraph, and in particular paragraph 4(1A) of that Schedule(**b**) does not require notice of the first meeting of the Authority to be published at its offices or summonses to attend the meeting to be signed by the proper officer of the Authority.

3. Subject as mentioned below, the following provisions of the Local Government Act 1972(**c**) have effect as if references to a joint authority included references to the Authority—

(a) section 70 (restriction on promotion of Bills for changing local government areas)(**d**);

(b) section 80(2)(b) (disqualification for election and holding office);

(c) section 85(4) (failure to attend meetings);

(d) section 86(2) (declaration of vacancy);

(e) section 92(7) (proceedings for disqualification);

(f) section 99 (meetings and proceedings);

(g) section 100J(1)(b) and (4)(a) (access to information)(**e**);

(h) section 101(13) (discharge of functions);

(i) section 138C(1)(l) (prayers, religious observances and religious events)(**f**);

(**a**) 1972 c. 70.

(**b**) Paragraph 4(1A) of Schedule 12 was amended by paragraphs 3(a) and (b) and 19(2) of Schedule 4 to the Local Government and Elections (Wales) Act 2021 (asc 1) and by S.I. 2015/5.

(**c**) The provisions referred to in sub-paragraphs (b), (c), (d), (e), (f), (h), (k) (insofar as it refers to section 146A(1)), (l) and (m) were amended by Part 1 of Schedule 14 to the Local Government Act 1985 (c. 51). The provisions referred to in sub-paragraphs (a), (c), (d), (e), (f), (h), (j), (n) (except insofar as it refers to section 225(3)) and (o) (except insofar as it refers to paragraph 6B) were amended by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40). The provisions referred to in sub-paragraphs (g) (insofar as it refers to section 100J(4)(a)), (k) (insofar as it refers to section 146A(1)), (m) and (o) (insofar as it refers to paragraph 6B) were amended by Part 1 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29). The provisions referred to in sub-paragraphs (g) (insofar as it refers to section 100J(4)(a)), (n) (except insofar as it refers to sections 224(2), 225(3) or 230(2)) and (o) (except insofar as it refers to paragraph 46) were amended by Part 5(1) of Schedule 7 to the Criminal Justice and Police Act 2001 (c. 16). The provisions referred to in sub-paragraphs (a), (b), (c), (d), (e), (f), (g) (insofar as it refers to section 100J(4)(a)), (h), (j), (k) (insofar as it refers to section 146A(1)), (l), (m), (n) and (o) (insofar as it refers to paragraph 6A) were amended by Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20). The provisions referred to in sub-paragraphs (f), (g) (insofar as it refers to section 100J(4)(a)), (h), (k) (insofar as it refers to section 146A(1)), (m), (n) (except insofar as it refers to sections 224(2), 225(3) or 230(2)) and (o) were amended by Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13). The provisions referred to in sub-paragraphs (b), (g), (h), (k) (insofar as it refers to section 146A(1)), (l), (m) and (n) (except insofar as it refers to sections 224(2), 225(3), 228(7A) or 230(2)) were amended by Schedule 13 to the Deregulation Act 2015 (c. 20). The provisions referred to in sub-paragraphs (g) (insofar as it refers to section 100J(4)(a)) and (h) were amended by Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1). The provisions referred to in sub-paragraphs (h), (k) (insofar as it refers to section 146A(1)) and (l) were amended by Schedule 2 to the Policing and Crime Act 2017 (c. 3). The provisions referred to in sub-paragraphs (a), (b), (c), (d), (e), (f), (g) (insofar as it refers to section 100J(4)(a)), (h), (j), (k) (insofar as it refers to section 146A(1)), (l), (m), (n) and (o) (insofar as it refers to paragraph 6A) were amended by Schedule 4 to the Levelling-up and Regeneration Act 2023 (c. 55). These amendments are not further referred to in subsequent footnotes below.

(**d**) Section 70 was amended by paragraph 41 of Part 2 of Schedule 12 to the Education Reform Act 1988 (c. 40), paragraph 14 of Part 1 of Schedule 29 to the Greater London Authority Act 1999 (c. 29), paragraph 2 of Schedule 13 to the Local Government and Public Involvement in Health Act 2007 (c. 28), Part B of Schedule 4 to the Local Government (Wales) Measure 2011 (nawm 4), and paragraph 1(5) of Schedule 1 to the Local Government (Democracy) (Wales) Act 2013 (anaw 4), and by S.I. 2001/2237.

(**e**) Section 100J was inserted by section 1 of the Local Government (Access to Information) Act 1985 (c. 43). The opening words in subsection (1) were amended by S.I. 2014/2095. Subsection (4)(a) was amended by paragraph 8(2) of Schedule 3 to the Local Government and Public Involvement in Health Act 2007 (c. 28).

(**f**) Section 138C was inserted by the Local Government (Religious etc. Observances) Act 2015 (c. 27).

(j) section 142(1B) (provision of information etc. relating to matters affecting local government)(**a**);

(k) section 146A(1) (miscellaneous powers of local authorities)(**b**), but not insofar as it applies to section 121(**c**) or 143(**d**);

(l) section 176(3) (payment of expenses of official and courtesy visits);

(m) section 223(2) (legal proceedings)(**e**);

(n) sections 224(2), 225(3)(**f**), 228(7A), 229(8)(**g**), 230(2), 231(4)(**h**), 232(1A)(**i**), 233(11) and 234(4) (documents and notices)(**j**);

(o) paragraphs 6A(**k**), 6B and 46 of Schedule 12 (meetings and proceedings).

4. Sections 82(1), 84(2) and 90 of the Local Government Act 1972 (validity of acts done by unqualified persons, resignation and term of office of person filling casual vacancy)(**l**) have effect as if references to a person appointed under, or to an office under, Part 4 of the 1985 Act included references to a person appointed under, or to an office under, this Order.

5. The following provisions of the 1985 Act have effect as if the Authority were a joint authority—

(a) section 31 (replacement of members)(**m**);

(b) section 32(1) and (7) (filling of vacancies);

(c) section 34 (chairman, vice-chairman and clerk)(**n**);

(d) section 35(1) and (2) (disqualification)(**o**);

(e) section 41 (questions on discharge of functions).

6. The following provisions of the 1985 Act have effect as if the Authority were a new authority—

(a) section 72(1), (2) and (4) (accounts);

(b) section 73(1) (financial administration)(**p**).

7. Subject as mentioned below, the following provisions have effect as if references to a joint authority established by Part 4 of the 1985 Act included references to the Authority(**q**)—

(**a**) Section 142(1B) was inserted by section 3(2) of the Local Government Act 1986 (c. 10).
(**b**) Section 146A(1) was amended by paragraph 6(2) of Schedule 6 to the Police Act 1997 (c. 50), Part 7 of Schedule 34 to the Greater London Authority Act 1999 (c. 29), and sections 9(8)(a) and 14(1)(a) of the Localism Act 2011 (c. 20).
(**c**) Section 121 was amended by paragraph 1 of Schedule 4 and Part 1 of Schedule 6 to the Acquisition of Land Act 1981 (c. 67).
(**d**) Section 143 was amended by S.I. 2022/372.
(**e**) Section 223(2) was amended by paragraph 17 of Schedule 22 and Schedule 24 to the Environment Act 1995 (c. 25), and by S.I. 2001/3719 and 2022/372.
(**f**) Section 225(3) was amended by S.I. 2022/372.
(**g**) Section 229(8) was amended by S.I. 2022/372.
(**h**) Section 231(4) was amended by S.I. 2022/372.
(**i**) Section 232(1A) was amended by S.I. 2022/372.
(**j**) Section 234(4) was amended by S.I. 2022/372.
(**k**) Paragraph 6A of Schedule 12 was amended by section 10(3) of the Local Government Act 1986 (c. 10).
(**l**) Sections 82, 84(2) and 90 were each amended by Schedule 14 to the Local Government Act 1985 (c. 51) and Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40). Section 82 was also amended by paragraph 10(2) of Schedule 6 to the Norfolk and Suffolk Broads Act 1988 (c. 4), and by S.I. 2001/2237. Section 90 was also amended by Part 10 of Schedule 1 to the Statute Law Repeals Act 2004 (c. 14).
(**m**) Section 31 was amended by section 10(2) of the Local Government Act 1986 (c. 10).
(**n**) Section 34 was amended by section 7(7) of the Policing and Crime Act 2017 (c. 3).
(**o**) Section 35(1) was amended by S.I. 2001/2237 and 2002/1057.
(**p**) Section 73(1) was amended by paragraph 61(2) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).
(**q**) The provisions referred to in sub-paragraphs (a) to (d), (e) (insofar as it refers to section 25(1)(c)), (f) (insofar as it refers to section 44(1)), and (g) to (k) were amended by Part 2 of Schedule 14 to the Local Government Act 1985 (c. 51). The provisions referred to in sub-paragraphs (a), (b), (c), (f) (insofar as it refers to section 44(1)) and (k) were amended

(a) section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes)(**a**);

(b) section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance)(**b**);

(c) section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities)(**c**) as it applies to England and Wales;

(d) section 13(7)(f) of the Employment Agencies Act 1973 (interpretation)(**d**);

(e) sections 25(1)(c) (authorities subject to investigation) and 26C(6)(c) (referral of complaints by authorities) of the Local Government Act 1974(**e**);

(f) section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation etc. of Part 1)(**f**), but only insofar as it applies to sections 30 (power to forgo repayment of advances of remuneration paid to deceased employees), 38 (use of spare capacity of computers of local authorities), 39 (protection of members and officers etc. of local authorities from personal liability)(**g**) and 41 (evidence of resolutions and minutes of proceedings etc.)(**h**) of that Act;

(g) section 5(3)(bb) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to Crown or to local authority, etc.)(**i**);

(h) section 14(1)(cb) of the Rent Act 1977 (landlord's interest belonging to local authority, etc.)(**j**);

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by Schedule 17 to the Local Government Act 1985. The provisions referred to in sub-paragraphs (a), (b), (c), (l) (insofar as it refers to section 6(2)) and (m) were amended by Schedule 6 to the Norfolk and Suffolk Broads Act 1988 (c. 4). The provisions referred to in sub-paragraphs (a), (b), (c), (d), (k) and (l) were amended by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40). The provisions referred to in sub-paragraphs (a), (c), (f) (insofar as it refers to section 44(1)) and (l) were amended by Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29). The provisions referred to in sub-paragraphs (a), (b) and (m) were amended by Schedule 10 to the Environment Act 1995 (c. 25). The provisions referred to in sub-paragraphs (n) (except insofar as it refers to section 157(6)(h)), (o), (r) and (s) were amended by Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36). The provisions referred to in sub-paragraphs (a) and (d) were amended by Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15). The provisions referred to in sub-paragraphs (a), (b), (c), (f) (insofar as it refers to section 44(1)), (k) and (m) were amended by Schedule 13 to the Local Government and Public Involvement in Health Act 2007 (c. 28), with those amendments subsequently being repealed by paragraph 6 of Schedule 13 to the Deregulation Act 2015 (c. 20). The provisions referred to in sub-paragraphs (a), (b), (c), (f) (insofar as it refers to section 44(1)), (k), (l) and (m) were amended by Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20). The provisions referred to in sub-paragraphs (a), (b),(c), (d), (f) (insofar as it refers to sections 44(1) and 30), (l) and (m) were amended by Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13). The provisions referred to in sub-paragraphs (c), (f) (insofar as it refers to section 44(1)), and (m) were amended by Schedules 1 and 2 to the Policing and Crime Act 2017 (c. 3). The provisions referred to in sub-paragraphs (a), (b), (c), (f) (insofar as it refers to section 44(1)), (k), (l) and (m) were amended by Schedule 4 to the Levelling-up and Regeneration Act 2023 (c. 55).

(**a**) 1961 c. 62. Section 11(4)(a) was amended by Part 2 of Schedule 18 to the London Government Act 1963 (c. 33), paragraph 16 of Schedule 13 to the Water Resources Act 1963 (c. 38), Schedule 30 to the Local Government Act 1972 (c. 70), paragraph 29(1) of Schedule 25 to the Water Act 1989 (c. 15), paragraph 19(1) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), and section 387(2) of the Greater London Authority Act 1999 (c. 29), and by S.I. 2018/226 and 2022/372.

(**b**) 1969 c. 57. Section 3(2)(b) was amended by section 179(3) of and Schedule 30 to the Local Government Act 1972 (c. 70), paragraph 1 of Schedule 8 to the National Health Service and Community Care Act 1990 (c. 19), paragraph 37 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), and paragraph 83 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39), and by S.I. 2013/602.

(**c**) 1970 c. 39. Section 1(4) has been relevantly amended, in relation to England and Wales, by Schedule 30 to the Local Government Act 1972 (c. 70), section 25(8) of the Local Government (Wales) Act 1994 (c. 19), section 388 of the Greater London Authority Act 1999 (c. 29), and paragraph 1 of Schedule 20 and paragraph 2 of Schedule 22 to the Localism Act 2011 (c. 20), and by S.I. 2021/327.

(**d**) 1973 c. 35.

(**e**) 1974 c. 7. Section 26C(6)(c) was inserted by section 174(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28).

(**f**) 1976 c. 57. Section 44(1) has been relevantly amended by Part 8 of Schedule 34 to the Greater London Authority Act 1999 (c. 29).

(**g**) Section 39 was amended by Part 4 of Schedule 6 to the Local Government Finance Act 1982 (c. 32).

(**h**) Section 41 was amended by section 237(3) of the Local Government and Public Involvement in Health Act 2007 (c. 28) and by S.I. 2001/2237.

(**i**) 1976 c. 80.

(**j**) 1977 c. 42.

(i) section 2(1)(ka) of the Local Government, Planning and Land Act 1980 (duty of authorities to publish information)(**a**);

(j) section 41(13)(e) of the Local Government (Miscellaneous Provisions) Act 1982 (lost and uncollected property)(**b**);

(k) paragraph 7(2)(a) of Schedule 1 to the Stock Transfer Act 1982 (specified securities)(**c**);

(l) sections 6(2) (interpretation and application of Part 2) and 9(1)(a) (interpretation and application of Part 3) of the Local Government Act 1986(**d**);

(m) section 144(2)(a) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance)(**e**);

(n) sections 21(1)(i) (interpretation of Part 1), 67(3)(k) (application of, and orders under, Part 5), 152(2)(i) (interpretation, consultation and commencement of sections 150 and 151) and 157(6)(h) (commutation of, and interest on, periodic payments of grants etc.) of the Local Government and Housing Act 1989(**f**);

(o) section 1(10)(d) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance)(**g**);

(p) section 79A(m) of the Deregulation and Contracting Out Act 1994 (local authority: England)(**h**);

(q) section 3(2)(h) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants)(**i**);

(r) paragraph 19 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)(**j**);

(s) sections 23(1)(k) ("local authority") and 33(1)(j) (interpretation of Chapter 1) of the Local Government Act 2003(**k**);

(t) section 41(6)(e) of the Courts Act 2003 (disqualification of lay justices who are members of local authorities)(**l**);

(u) regulation 3(1)(f) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (application of these Regulations)(**m**);

(v) Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general)(**n**);

(w) section 27(6)(l) of the Localism Act 2011 (duty to promote and maintain high standards of conduct)(**o**);

(x) section 40(6)(h) (access to local government meetings and documents) of, and paragraph 5 of Schedule 2 (relevant authorities) to, the Local Audit and Accountability Act 2014(**p**);

(**a**) 1980 c. 65.
(**b**) 1982 c. 30.
(**c**) 1982 c. 41. Section 7(2)(a) was amended by section 392(3) of the Greater London Authority Act 1999 (c. 29).
(**d**) 1986 c. 10. Sections 6(2) and 9(1)(a) were amended by Part 2 of Schedule 6 to the Criminal Justice and Police Act 2001 (c. 16).
(**e**) 1988 c. 52.
(**f**) 1989 c. 42.
(**g**) 1993 c. 25.
(**h**) 1994 c. 40. Section 79A was inserted by section 293(3) of the Local Government and Public Involvement in Health Act 2007 (c. 28).
(**i**) 1996 c. 53.
(**j**) 2000 c. 36.
(**k**) 2003 c. 26.
(**l**) 2003 c. 39.
(**m**) S.I. 2003/1021.
(**n**) 2010 c. 15.
(**o**) 2011 c. 20.
(**p**) 2014 c. 2.

(y) paragraph (h) of the definition of "relevant local government body" in regulation 6 of the Openness of Local Government Bodies Regulations 2014(**a**);

(z) regulations 8(4)(e) (application of local authority enactments to auditor panels: disqualification) and 10(4)(d) (application of local authority enactments to auditor panels: political balance) of the Local Audit (Auditor Panel) Regulations 2014(**b**);

(z1) regulation 3(1)(v) of the Re-use of Public Sector Information Regulations 2015 (public sector bodies)(**c**).

8. The following provisions have effect as if references to a relevant authority included references to the Authority—

(a) sections 113, 114, 115 and 116 of the Local Government Finance Act 1988 (financial administration)(**d**);

(b) sections 93 and 94 (power to charge for discretionary services) and 101 (staff transfer matters: general) of the Local Government Act 2003(**e**).

9. The following provisions have effect as if references to a local authority included references to the Authority—

(a) section 102 of the Local Government Act 2003 (staff transfer matters: general)(**f**);

(b) Chapter 1 of Part 1 of the Localism Act 2011 (general powers of authorities)(**g**).

10. Where, in consequence of the application of any enactments to the Authority by this Schedule, references are made to its area or to the area for which it is established, those references are to be construed as references to the area of East Surrey Council and West Surrey Council.

(**a**) S.I. 2014/2095.
(**b**) S.I. 2014/3224.
(**c**) S.I. 2015/1415.
(**d**) 1988 c. 41. Section 114 has been relevantly amended by paragraph 66 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42), paragraph 34 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 188(5) of the Police Reform and Social Responsibility Act 2011 (c. 13), and paragraph 3 of Schedule 5 to the Local Government and Elections (Wales) Act 2021 (asc 1), and by S.I. 2021/1349. Section 115 has been relevantly amended by section 30 of the Local Government Act 2003 (c. 26), paragraph 189(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), and paragraph 7(3)(d) of Schedule 25 to the English Devolution and Community Empowerment Act 2026 (c. 23), and by S.I. 2018/226.
(**e**) 2003 c. 26; relevant amendments are made by paragraph 3 of Schedule 7 to the Local Government and Public Involvement in Health Act 2007 (c. 28).
(**f**) Relevant amendments are made by paragraph 3 of Schedule 7 to the Local Government and Public Involvement in Health Act 2007 (c. 28).
(**g**) 2011 c. 20. Chapter 1 of Part 1 was amended by paragraph 175 of Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c. 14) and Schedules 6 and 33 to the English Devolution and Community Empowerment Act 2026 (c. 23).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to proposals made by Surrey County Council, in its capacity as the administering authority of the Surrey Pension Fund and in the context of the local government reorganisation brought about by the Surrey (Structural Changes) Order 2026 (S.I. 2026/264), for the transfer of its pensions functions to a new body, the Surrey Pensions Authority.

Article 3 of this Order establishes the Surrey Pensions Authority as a "residuary body" under section 17 of the Local Government and Public Involvement in Health Act 2007 (c. 28). The Schedule sets out the manner in which it is constituted, provides for the appointment and replacement of members, and deals with ancillary matters such as finance and administration.

Article 4 provides for the transfer of Surrey County Council's pensions functions to the Surrey Pensions Authority from 1st April 2027, and article 6 makes transitional provision for the continuity of the exercise of the transferred functions. Article 7 provides that this transfer of functions is to be treated as a "relevant transfer" within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), which makes provision for the treatment of contracts of employment, employees and related matters in the event of a relevant transfer. Article 8 makes consequential amendments to ensure that the Surrey Pensions Authority is treated appropriately for the purposes of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (S.I. 1999/2277) and the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356).

Article 5 provides for the reimbursement of the net expenditure of the new body for any financial year beginning on or after 1st April 2027 by East Surrey Council and West Surrey Council.

A full regulatory impact assessment has not been prepared as this instrument will have no, or no significant impact on the costs of business and the voluntary sector. The impact on the public sector is the creation of a new public sector body for the administration of the Local Government Pension Scheme in Surrey.

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