STATUTORY INSTRUMENTS

2015 No. 465

PUBLIC SERVICE PENSIONS, ENGLAND

The Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015

Made - - - -	*3rd March 2015*
Laid before Parliament	*5th March 2015*
Coming into force - -	*1st April 2015*

These Regulations are made in exercise of the powers conferred by sections 1, 3, 7(2), 12(6) and 12(7) of, and Schedule 3 to, the Public Service Pensions Act 2013(**1**).

In accordance with section 21 of that Act, the Secretary of State has consulted the representatives of such persons as appeared to the Secretary of State to be likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

The Secretary of State makes the following Regulations:

Citation, interpretation, commencement and application

1.—(1) These Regulations may be cited as the Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015.

(2) In these Regulations "the Principal Regulations" means the Firefighters' Pension Scheme (England) Regulations 2014(**2**).

(3) These Regulations come into force on 1st April 2015.

(4) These Regulations apply in England only.

Amendment of the Firefighters' Pension Scheme (England) Regulations 2014

2. The Principal Regulations are amended in accordance with regulations 3 to 5.

3. In regulation 3 (interpretation)—

(a) after the entry for " financial year" insert—

(**1**) 2013 c. 25.
(**2**) S.I. 2014/2848.

""Firefighters' Pension Scheme Advisory Board" means the board established under regulation 4E (scheme advisory board: establishment);" and

(b) after the entry for "leaving year" insert—

""local pension board" means a board established under regulation 4A (local pension boards: establishment);".

4. After regulation 4 (scheme manager) insert—

"**Local pension boards: establishment**

4A.—(1) Each scheme manager must no later than 1st April 2015 establish a pension board ("a local pension board") responsible for assisting it—

(a) to secure compliance with—

(i) these Regulations,

(ii) any other legislation relating to the governance and administration of this scheme and any connected scheme(**3**), and

(iii) any requirements imposed by the Pensions Regulator in relation to this scheme and any connected scheme; and

(b) to ensure the effective and efficient governance and administration of this scheme and any connected scheme.

(2) Where the administration and management of this scheme is wholly or mainly shared by two or more scheme managers, those scheme managers may establish a joint local pension board if approval in writing has been obtained from the Secretary of State.

(3) Approval under paragraph (2) may be given subject to such conditions as the Secretary of State thinks fit and may be withdrawn if any conditions are not met or if in the opinion of the Secretary of State it is no longer appropriate for the approval to continue.

(4) Subject to paragraph (5), a scheme manager may determine the procedures applicable to a local pension board, including as to the establishment of sub-committees, formation of joint committees and payment of expenses.

(5) No member of a local pension board shall have a right to vote on any question unless that member is an employer representative or a member representative(**4**).

(6) A local pension board shall have the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Local pension boards: membership

4B.—(1) Subject to paragraphs (2) to (4) each scheme manager must determine—

(a) the membership of the local pension board;

(b) the manner in which members of the local pension board may be appointed and removed;

(c) the terms of appointment of members of the local pension board.

(2) A local pension board must include an equal number, which is no less than 4 in total, of employer representatives and member representatives and for these purposes the scheme manager must be satisfied that—

(**3**) See section 4(6) of the Public Service Pensions Act 2013 for the definition of connected scheme.
(**4**) See section 5(6) of the Public Service Pensions Act 2013 for definitions of these terms.

(a) a person to be appointed to the local pension board as an employer representative has the capacity to represent the employer; and

(b) a person to be appointed to the local pension board as a member representative has the capacity to represent members.

(3) A member of the authority who is a member of the local pension board must be appointed as either an employer representative or a member representative.

(4) No member or officer of an authority who is responsible for the discharge of any function under these Regulations (apart from any function relating to a local pension board or the Firefighters' Pension Scheme Advisory Board) may be a member of the local pension board of that authority.

Local pension boards: conflict of interest

4C.—(1) Each scheme manager must be satisfied that any person to be appointed as a member of a local pension board does not have a conflict of interest(**5**).

(2) A scheme manager must be satisfied from time to time that none of the members of a local pension board has a conflict of interest.

(3) A person who is to be appointed as a member of a local pension board by a scheme manager must provide that scheme manger with such information as the scheme manger reasonably requires for the purposes of paragraph (1).

(4) A person who is a member of a local pension board must provide the scheme manager which made the appointment with such information as that scheme manager reasonably requires for the purposes of paragraph (2).

Local pension boards: guidance

4D. A scheme manager must have regard to guidance issued by the Secretary of State in relation to local pension boards.

Scheme advisory board: establishment

4E.—(1) A scheme advisory board ("the Firefighters' Pension Scheme Advisory Board") is established.

(2) The function of the Firefighters' Pension Scheme Advisory Board is to provide advice in response to a request from the Secretary of State on the desirability of making changes to this scheme and any connected scheme.

(3) The Firefighters' Pension Scheme Advisory Board also has the function of providing advice to scheme mangers and local pension boards in relation to the effective and efficient administration and management of this scheme and any connected scheme.

(4) Subject to these Regulations, the Firefighters' Pension Scheme Advisory Board may determine its own procedures including as to voting rights, the establishment of sub-committees, formation of joint committees and the payment of remuneration and expenses.

(5) The Firefighters' Pension Scheme Advisory Board shall have the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

(**5**) See section 5(5) of the Public Service Pensions Act 2013 for the meaning of "conflict of interest".