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STATUTORY INSTRUMENTS

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**2015 No. 445**

**The Police Pensions Regulations 2015**

**PART 3**

**Governance**

**Police pension authority**

7. In these Regulations, the police pension authority for a member of a police force mentioned in column 1 is the person or body mentioned in column 2.

<i>Column 1 – Member of a police force</i>	<i>Column 2 – Police pension authority</i>
A member of a police force maintained under section 2 of PA 1996 other than the Chief Constable.	The Chief Constable.
A member of the metropolitan police force other than the Commissioner of Police of the Metropolis.	The Commissioner of Police of the Metropolis.
A member of the City of London police force other than the Commissioner of Police for the City of London.	The Commissioner of Police for the City of London.
The Chief Constable of a police force.	The police and crime commissioner <sup>(1)</sup> for that force.
The Commissioner of Police of the Metropolis.	The Mayor's Office for Policing and Crime <sup>(2)</sup> .
The Commissioner of Police for the City of London.	The Common Council <sup>(3)</sup> .
A person engaged on service as an inspector of constabulary or an assistant inspector of constabulary who is a former member of a home	The Secretary of State.

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(1) See section 101 of PA 1996 for the meaning of "a police and crime commissioner".

(2) See section 101 of PA 1996 for the meaning of "the Mayor's Office for Policing and Crime".

(3) See section 101 of PA 1996 for the meaning of "the Common Council".

<i>Column 1 – Member of a police force</i>	<i>Column 2 – Police pension authority</i>
police force, the Police Service of Scotland or the police service in Northern Ireland.	
A person appointed as Chief Inspector of Constabulary who is a former member of a home police force, the Police Service of Scotland or the police service in Northern Ireland.	The Secretary of State.
A specified NCA officer other than the Director General of the NCA.	The Director General of the NCA.
A person appointed as the Director General of the NCA who immediately before the appointment was in UK police service.	The Secretary of State.
A person engaged on service as chief executive of the body known as the College of Policing who immediately before beginning that service was in UK police service.	The College of Policing.
A person holding the office of constable who is engaged as a member of staff of the Disclosure and Barring Service and who immediately before becoming so engaged was in UK police service.	The Disclosure and Barring Service.
A person engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 <sup>(4)</sup> who immediately before becoming so engaged was in UK police service.	The Independent Police Complaints Commission.
A person in service as an officer pursuant to an appointment made in connection with the provision by the Secretary of State of assistance under the International Development Act 2002.	The Secretary of State or the Secretary of State for International Development.
A person appointed as Chief Inspector of the UK Border Agency who has held the office of constable and who immediately before the appointment was in UK police service.	The Secretary of State.

(4) 2002 c. 30.

<i>Column 1 – Member of a police force</i>	<i>Column 2 – Police pension authority</i>
A person engaged on temporary service in accordance with arrangements made under section 26(2) of PA 1996.	The Secretary of State.
A person engaged on relevant service under section 97 of PA 1996.	The Secretary of State.

### **Alteration of police areas**

**8.**—(1) This regulation applies if a police area<sup>(5)</sup> in relation to a home police force is combined with another police area to form part of that police area, or is divided into 2 or more police areas, by an order made under—

- (a) section 32 of the Police Act 1996;
- (b) section 58 of the Local Government Act 1972; or
- (c) section 17 of the Local Government Act 1992.

(2) If a police area (“the original police area”) is combined with another police area to form part of that police area (“the combined police area”), for the purpose of these Regulations—

- (a) the police force for the combined police area is taken to be the police force for the original police area; and
- (b) the police pension authority for a member of the police force for the combined police area is taken to be the police pension authority for a member of the police force for the original police area.

(3) If as a result of dividing a police area (“the divided police area”), a member of the home police force in the divided police area is transferred to a home police force in another police area (“the new police area”), for the purpose of these Regulations—

- (a) the police force for the new police area is taken to be the police force for the divided police area; and
- (b) the police pension authority for a member of the police force for the new police area is taken to be the police pension authority for a member of the police force for the divided police area.

### **Scheme manager**

**9.**—(1) The police pension authority for a member of a police force is responsible for managing and administering this scheme and any statutory pension scheme that is connected with it<sup>(6)</sup> in relation to that member.

(2) Pensions and other benefits payable under this scheme are payable by the scheme manager.

(3) A statutory pension scheme that is a defined contributions scheme<sup>(7)</sup> is not connected with this scheme.

(4) In these Regulations, “scheme manager” in relation to a member of a police force means the police pension authority for that member acting in exercise of its functions under paragraph (1).

<sup>(5)</sup> See section 101 of the Police Act 1996 (c. 16) for the meaning of “police area”.

<sup>(6)</sup> See section 4(6) of the Act which sets out when statutory pension schemes are “connected”.

<sup>(7)</sup> See section 37 of the Act for the meaning of “defined contributions scheme”.

### **Scheme manager approval**

10. In this Part, “scheme manager approval” means—

- (a) for a Police Pensions Board established to assist one scheme manager, the approval of that scheme manager; or
- (b) for a Police Pensions Board established to assist more than one scheme manager, the approval of each of those scheme managers.

### **Delegation**

11.—(1) The Secretary of State may delegate any functions under these Regulations, including this power to delegate.

(2) The scheme manager may delegate any functions under these Regulations, including this power to delegate.

### **Scheme manager’s obligation to pass on member’s records**

12.—(1) Paragraph (2) applies if a member of a police force in England and Wales (“the original police force”) becomes a member of another police force in England and Wales (“the new police force”).

(2) The scheme manager for the original police force must give the scheme manager for the new police force within 3 months after the member becomes a member of the new police force any information or documents required by the scheme manager for the new police force for the purpose of—

- (a) the scheme manager’s functions under these Regulations; or
- (b) records required to be kept by the scheme manager under regulations made under section 16 of the Act.

(3) Paragraph (4) applies if a member of a police force in England and Wales (“the original police force”) becomes a member of the Police Service of Scotland.

(4) The scheme manager for the original police force must give the scheme manager for the Police Service of Scotland any information or documents required by the scheme manager for the Police Service of Scotland for the purpose of—

- (a) the scheme manager’s functions under the 2015 Scotland police pension scheme; or
- (b) records required to be kept by the scheme manager under regulations made under section 16 of the Act.

(5) Paragraph (6) applies if a member of a police force in England and Wales (“the original police force”) becomes a member of the police service in Northern Ireland (“the NI police service”).

(6) The scheme manager for the original police force must give the scheme manager for the NI police service any information or documents required by the scheme manager for the NI police service for the purpose of—

- (a) the scheme manager’s functions under the 2015 NI police pension scheme; or
- (b) records required to be kept by the scheme manager under regulations made under section 16 of the Public Service Pensions Act (Northern Ireland) 2014(8).

### **Police Pension Boards: establishment**

**13.**—(1) The scheme manager must ensure that a pension board<sup>(9)</sup> (“a Police Pension Board”) is established to assist the scheme manager—

- (a) to secure compliance with—
  - (i) these Regulations;
  - (ii) any other legislation relating to the governance and administration of this scheme and any statutory pension scheme that is connected with it; and
  - (iii) any requirements imposed by the Pensions Regulator in relation to this scheme or any statutory pension scheme that is connected with it; and
- (b) in the performance of the scheme manager’s functions under these Regulations.

(2) A Police Pension Board may be established to assist more than one scheme manager.

(3) The following scheme managers must identify an established Police Pension Board to assist them—

- (a) the Secretary of State;
- (b) the Director General of the NCA;
- (c) the College of Policing;
- (d) the Disclosure and Barring Service;
- (e) the Independent Police Complaints Commission;
- (f) the Secretary of State for International Development.

(4) In paragraph (3), “established Police Pension Board” means a Police Pension Board which has been established to assist another scheme manager.

### **Police Pension Boards: membership**

**14.**—(1) Subject to regulation 16 (conflicts of interest), a Police Pension Board is to consist of the following members who are to be entitled to vote in its proceedings (“voting members”)—

- (a) a chair and a deputy chair appointed by the scheme manager; and
- (b) at least 4, and no more than 12, persons appointed by the chair with scheme manager approval.

(2) The chair and deputy chair must not both be employer representatives or member representatives<sup>(10)</sup>.

(3) If the scheme manager does not appoint an independent chair, the chair and deputy chair must alternate their roles at intervals agreed by the Board.

(4) Equal numbers of employer representatives and member representatives must be appointed to the Board.

(5) The chair, with scheme manager approval, may appoint to the Police Pension Board up to 4 independent members who are not to be entitled to vote in the Board’s proceedings (“non-voting members”).

(6) A member of a Police Pension Board is to hold and vacate office in accordance with the terms of that member’s appointment.

(7) In this regulation, “independent” means neither an employer representative nor a member representative.

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<sup>(9)</sup> See section 5(8) of the Act for the meaning of “pension board”.

<sup>(10)</sup> See section 5(6) of the Act for the meaning of “employer representatives” and “member representatives”.

**Police Pension Boards: procedure**

15.—(1) A Police Pension Board may determine its own procedures, subject to scheme manager approval.

(2) If there is a tied vote on any issue, the chair has a casting vote.

**Police Pension Boards: conflicts of interest**

16.—(1) Before appointing, or approving the appointment of, any person under regulation 14 (membership), the scheme manager must be satisfied that that person does not have a conflict of interest<sup>(11)</sup>.

(2) The scheme manager must be satisfied from time to time that none of the members of a Police Pension Board has a conflict of interest.

(3) If the scheme manager determines that a member of a Police Pension Board has a conflict of interest, the scheme manager must terminate the appointment of the member.

(4) A member of a Police Pension Board, or a person proposed to be appointed as such a member, must provide the scheme manager with any information the scheme manager may reasonably require for the purpose of paragraph (1) or (2).

**Payment of fees and expenses**

17. The scheme manager may—

(a) pay fees to or in respect of members of a Police Pension Board of such amounts as the scheme manager may determine; and

(b) reimburse members of a Police Pension Board in respect of any reasonable expenses incurred by them in the performance of their duties in relation to this scheme.

**Scheme advisory board: establishment**

18.—(1) A scheme advisory board is established<sup>(12)</sup>.

(2) The scheme advisory board is responsible for providing advice to the Secretary of State, at the Secretary of State's request, on the desirability of making changes to this scheme.

(3) The scheme advisory board may provide advice (on request or otherwise) to a scheme manager or to a Police Pension Board in relation to the effective and efficient administration and management of this scheme and any statutory pension scheme that is connected with it.

(4) The scheme advisory board may determine its own procedures, subject to the approval of the Secretary of State.

**Scheme advisory board: membership**

19.—(1) Subject to regulation 20 (conflicts of interest), the Secretary of State must appoint the members of the Police Advisory Board for England and Wales to be the members of the scheme advisory board.

(2) A member of the scheme advisory board is to hold and vacate office in accordance with the terms of that member's appointment.

(3) In this regulation, "Police Advisory Board for England and Wales" means the board which is continued under section 63(1) of PA 1996.

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<sup>(11)</sup> See section 5(5) of the Act for the meaning of "conflict of interest".

<sup>(12)</sup> See section 7(6) of the Act for the meaning of "scheme advisory board".

### **Scheme advisory board: conflicts of interest**

**20.**—(1) Before appointing a person as a member of the scheme advisory board, the Secretary of State must be satisfied that that person does not have a conflict of interest<sup>(13)</sup>.

(2) The Secretary of State must be satisfied from time to time that none of the members of the scheme advisory board has a conflict of interest.

(3) If the Secretary of State determines that a member of the scheme advisory board has a conflict of interest, the Secretary of State must terminate the appointment of the member.

(4) A member of the scheme advisory board, or a person proposed to be appointed as such a member, must provide the Secretary of State with any information the Secretary of State may reasonably require for the purpose of paragraph (1) or (2).

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<sup>(13)</sup> See section 7(5) of the Act for the meaning of “conflict of interest”.