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STATUTORY INSTRUMENTS

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**2015 No. 465**

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

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

**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<sup>(1)</sup>, 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Approval under paragraph (2) may be given subject to such conditions as the Secretary of State thinks fit and may be withdrawn if any conditions are not met or if in the opinion of the Secretary of State it is no longer appropriate for the approval to continue.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<sup>(2)</sup>.

(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;

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(1) See section 4(6) of the Public Service Pensions Act 2013 for the definition of connected scheme.

(2) See section 5(6) of the Public Service Pensions Act 2013 for definitions of these terms.

- (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—
  - (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<sup>(3)</sup>.
- (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 manager with such information as the scheme manager 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 managers 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.

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(3) See section 5(5) of the Public Service Pensions Act 2013 for the meaning of “conflict of interest”.

(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.

#### **Scheme advisory board: membership**

**4F.**—(1) The Firefighters' Pension Scheme Advisory Board shall consist of a chairman and at least two, and no more than 14, persons appointed by the Secretary of State.

(2) When deciding whether to make an appointment under paragraph (1), the Secretary of State must have regard to the desirability of there being equal representation of persons representing the interests of scheme employers and persons representing the interests of members.

(3) A member of the Firefighters' Pension Scheme Advisory Board is to hold and vacate office in accordance with the terms of that member's appointment.

(4) The chairman of the Firefighters' Pension Scheme Advisory Board may, with the agreement of the Board, appoint a maximum of three persons to be non-voting advisory members of the Boards.

(5) An advisory member of the Firefighters' Pension Scheme Advisory Board is to hold and vacate office in accordance with the terms of that member's appointment.

(6) The chairman of the Firefighters' Pension Scheme Advisory Board may, with the agreement of the Board, appoint persons who are not members of the Firefighters' Pension Scheme Advisory Board to be members of sub-committees of that Board.

(7) A member of a sub-committee of the Firefighters' Pension Scheme Advisory Board is to hold and vacate office in accordance with the terms of that member's appointment.

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

**4G.**—(1) Before appointing any person to be a member of the Firefighters' Pension Scheme Advisory Board, the Secretary of State must be satisfied that the person does not have a conflict of interest<sup>(4)</sup>.

(2) The Secretary of State must be satisfied from time to time that none of the members of the Firefighters' Pension Scheme Advisory Board has a conflict of interest.

(3) A person who is to be appointed as a member of the Firefighters' Pension Scheme Advisory Board must provide the Secretary of State with such information as the Secretary of State reasonably requires for the purposes of paragraph (1).

(4) A person who is a member of the Firefighters' Pension Scheme Advisory Board must provide the Secretary of State with such information as the Secretary of State reasonably requires for the purposes of paragraph (2).

#### **Scheme advisory board: funding**

**4H.**—(1) The Firefighters' Pension Scheme Advisory Board must prepare an annual budget for approval by the Secretary of State.

(2) The expenses of the Firefighters' Pension Scheme Advisory Board are to be defrayed by scheme managers in such proportions as are determined by the Board based on the approved budget and the number of members of this scheme and connected schemes for which each scheme manager is responsible.

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(4) See section 7(5) of the Public Service Pensions Act 2013 for the meaning of "conflict of interest".

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) A scheme manager must pay the amount it is required to pay under this regulation at such time or times as the Firefighters' Pension Scheme Advisory Board may determine.”