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WELSH STATUTORY INSTRUMENTS

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**2015 No. 622**

**The Firefighters' Pension Scheme (Wales) Regulations 2015**

**PART 2**

**Governance**

**Scheme manager**

**4.—**(1) An authority is responsible for managing and administering this scheme and any statutory scheme that is connected with it<sup>(1)</sup> in relation to any person for which it is the appropriate authority under these Regulations.

(2) The appropriate authority in relation to a person who—

(a) is or has been a member of this scheme; or

(b) is entitled to any benefit in respect of a person who is or has been a member of this scheme, is the authority by whom the member was last employed whilst an active member of this scheme.

(3) The appropriate authority in relation to a pension credit member is the authority responsible for the pension debit member's pension account at the effective date of the pension sharing order.

(4) The appropriate authority is referred to in this scheme as the scheme manager.

**Local pension boards: establishment**

**5.—**(1) Each scheme manager must 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 and to the provision of benefits under this scheme;

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

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

(2) A scheme manager may determine the procedures applicable to a local pension board, including as to voting rights, the establishment of sub-committees and payment of expenses.

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

**Local pensions board: membership**

**6.—**(1) Subject to paragraphs (2) and (3) each scheme manager must determine—

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(1) See section 4(6) of the 2013 Act which sets out when statutory pension schemes are "connected".

- (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, including the duration of their appointment.
- (2) A local pension board must include an equal number, which is no less than 4, of employer representatives and member representatives<sup>(2)</sup> and for these purposes the scheme manager must be satisfied that a person to be appointed as—
- (a) an employer representative has the capacity to represent employers on the local pension board;
  - (b) a member representative has the capacity to represent members on the local pension board.
- (3) Throughout the period of appointment of a person appointed as a member of a local pension board to represent employers or members, as the case may be, a scheme manager must be satisfied that the member continues to have the capacity to represent employers or members, as the case may be, on a local pension board.
- (4) A person who is to be appointed as a member of a local pension board by a scheme manager to represent employers or members, as the case may be, must provide the scheme manager with such information as the scheme manager reasonably requires for the purposes of paragraph (2).
- (5) A person who is a member of a local pension board appointed to represent employers or members, as the case may be, must provide the scheme manager which made the appointment with such information as the scheme manager reasonably requires for the purposes of paragraph (3).
- (6) The scheme manager may appoint persons who are not members of the local pension board to be non-voting advisory members of the local pension board, who may, by invitation, attend meetings of the local pension board and any sub-committee of the local pension board.
- (7) The number of non-voting advisory members of the local pension board must be less than each of the number of employer representatives and the number of member representatives.
- (8) An advisory member of the local pension board is to hold and vacate office in accordance with the terms of that member's appointment.
- (9) No member or officer of an authority 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 for Wales) may be a member of a local pension board.

### **Local pension boards: conflict of interest**

- 7.—(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 authority with such information as the authority 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 authority reasonably requires for the purposes of paragraph (2).

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

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

### **Local pension boards: guidance and advice**

8. A scheme manager must have regard to—
- (a) guidance issued by the Welsh Ministers in relation to local pension boards;
  - (b) advice given by the Firefighters' Pension Scheme Advisory Board for Wales in relation to the effective and efficient administration and management of the scheme; and
  - (c) codes of practice issued by the Pensions Regulator under section 90A (codes of practice: public service pensions schemes) of the Pensions Act 2004(4).

### **Local pension boards: publication of information**

- 9.—(1) A scheme manager must publish the following information relating to its local pension board—
- (a) who the members of the board are;
  - (b) representation on the board of members of the scheme; and
  - (c) the matters falling within the board's responsibility.
- (2) A scheme manager must keep information published under paragraph (1) up-to-date.

### **Scheme advisory board: establishment**

- 10.—(1) There is to be a scheme advisory board ("the Firefighters' Pension Scheme Advisory Board for Wales").
- (2) The Firefighters' Pension Scheme Advisory Board for Wales is responsible for providing advice, in response to a request from the Welsh Ministers, on—
- (a) the desirability of making changes to this scheme and any connected scheme; and
  - (b) any other matter it considers relevant to the effective and efficient operation of this scheme.
- (3) The Firefighters' Pension Scheme Advisory Board for Wales is also responsible for 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 for Wales may determine its own procedures including as to voting rights, the establishment of sub-committees, the payment of reasonable attendance allowances and any reasonable expenses in connection with the discharge of its functions as the Board considers necessary.

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

- 11.—(1) The Firefighters' Pension Scheme Advisory Board for Wales is to consist of a chair and at least two, and no more than 12, persons to be appointed by the Welsh Ministers.
- (2) When deciding whether to make an appointment under paragraph (1), the Welsh Ministers 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 for Wales is to hold and vacate office in accordance with the terms of that member's appointment.
- (4) The chair of the Firefighters' Pension Scheme Advisory Board for Wales may, with the agreement of the Board, appoint persons who are not members of the Board to be non-voting advisory members of the Board, who may, by invitation, attend meetings of the Board and any sub-committee of the Board.

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(4) 2004 c. 35. Section 90A was inserted by the Public Service Pensions Act 2013, Schedule 4, paragraph 14.

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

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

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

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

**12.**—(1) Before appointing any person to be a member of the Firefighters' Pension Scheme Advisory Board for Wales, the Welsh Ministers must be satisfied that the person does not have a conflict of interest<sup>(5)</sup>.

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

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

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

#### **The Firefighters' Pension Scheme Advisory Board for Wales: guidance**

**13.** The Firefighters' Pension Scheme Advisory Board for Wales must have regard to guidance issued by the Welsh Ministers in relation to the exercise by the Board of its functions under these Regulations.

#### **Delegation**

**14.**—(1) The Welsh Ministers 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, to such persons or employees of such person as may be authorised in that behalf by the scheme manager.

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