



# Public Service Pensions Act 2013

## 2013 CHAPTER 25

### *Governance*

#### **4 Scheme manager**

- (1) Scheme regulations for a scheme under section 1 must provide for a person to be responsible for managing or administering—
  - (a) the scheme, and
  - (b) any statutory pension scheme that is connected with it.
- (2) In this Act, that person is called the “scheme manager” for the scheme (or schemes).
- (3) The scheme manager may in particular be the responsible authority.
- [<sup>F1</sup>(3A) Subsection (1) does not apply to a scheme under section 1 if—
  - (a) the scheme is connected with another scheme under section 1, and
  - (b) a scheme manager is provided for under subsection (1) in scheme regulations for that other scheme.]
  - (4) Subsection (1) does not apply to a scheme under section 1 which is an injury or compensation scheme.
  - (5) Scheme regulations may comply with the requirement in subsection (1)(a) or (b) by providing for different persons to be responsible for managing or administering different parts of a scheme (and references in this Act to the “scheme manager”, in such a case, are to be construed accordingly).
  - (6) For the purposes of this Act, a scheme under section 1 and another statutory pension scheme are connected if and to the extent that the schemes make provision in relation to persons of the same description.
  - [<sup>F2</sup>(6A) The reference in subsection (6) to a statutory pension scheme includes a statutory pension scheme established (under section 1 or otherwise) after the establishment of the scheme under section 1 mentioned in that subsection.]
  - (7) Scheme regulations may specify exceptions to subsection (6).

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013, Cross Heading: Governance. (See end of Document for details)*

### Textual Amendments

- F1** S. 4(3A) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), ss. 95(2)(a), 131(1)(2)(f)
- F2** S. 4(6A) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), ss. 95(2)(b), 131(1)(2)(f)

### Commencement Information

- I1** S. 4 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(a)
- I2** S. 4 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 2(2)(a)(3)
- I3** S. 4 in force at 1.4.2015 for specified purposes by S.I. 2015/4, art. 2(1)(2)(a)
- I4** S. 4 in force at 1.4.2015 for specified purposes by S.I. 2014/1912, art. 3(1)(2)

## 5 Pension board

(1) Scheme regulations for a scheme under section 1 must provide for the establishment of a board with responsibility for assisting the scheme manager (or each scheme manager) in relation to the following matters.

(2) Those matters are—

- (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;
- (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;
- (c) such other matters as the scheme regulations may specify.

[<sup>F3</sup>(2A) Subsection (1) does not apply to a scheme under section 1 if—

- (a) the scheme is connected with another scheme under section 1, and
- (b) a pension board is provided for under subsection (1) in scheme regulations for that other scheme.]

(3) In making the regulations the responsible authority must have regard to the desirability of securing the effective and efficient governance and administration of the scheme and any connected scheme.

(4) The regulations must include provision—

- (a) requiring the scheme manager—
  - (i) to be satisfied that a person to be appointed as a member of the board does not have a conflict of interest, and
  - (ii) to be satisfied from time to time that none of the members of the board has a conflict of interest;
- (b) requiring a member of the board, or a person proposed to be appointed as a member of the board, to provide the scheme manager with such information as the scheme manager reasonably requires for the purposes of provision under paragraph (a);
- (c) requiring the board to include employer representatives and member representatives in equal numbers.

(5) In subsection (4)(a) “conflict of interest”, in relation to a person, means a financial or other interest which is likely to prejudice the person's exercise of functions as a

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member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).

- (6) In subsection (4)(c)—
- (a) “employer representatives” means persons appointed to the board for the purpose of representing employers for the scheme and any connected scheme;
  - (b) “member representatives” means persons appointed to the board for the purpose of representing members of the scheme and any connected scheme.
- (7) Where the scheme manager of a scheme under section 1 is a committee of a local authority, the scheme regulations may provide for that committee also to be the board for the purposes of this section.
- (8) In this Act, a board established under this section is called a “pension board”.
- (9) This section does not apply to a scheme under section 1 which is an injury or compensation scheme.

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#### Textual Amendments

- F3** [S. 5\(2A\)](#) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), [ss. 95\(3\)](#), [131\(1\)\(2\)\(f\)](#)

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#### Commencement Information

- I5** [S. 5](#) in force at 28.2.2014 for specified purposes by [S.I. 2014/433](#), [art. 3\(2\)\(b\)](#)
- I6** [S. 5](#) in force at 1.4.2014 for specified purposes by [S.I. 2014/839](#), [art. 2\(2\)\(b\)\(3\)](#)
- I7** [S. 5](#) in force at 1.4.2015 for specified purposes by [S.I. 2014/1912](#), [art. 3\(1\)\(2\)](#)
- I8** [S. 5](#) in force at 1.4.2015 for specified purposes by [S.I. 2015/4](#), [art. 2\(1\)\(2\)\(b\)](#)

## 6 Pension board: information

- (1) The scheme manager for a scheme under section 1 and any statutory pension scheme that is connected with it must publish information about the pension board for the scheme or schemes (and keep that information up-to-date).
- (2) That information must include information about—
- (a) who the members of the board are,
  - (b) representation on the board of members of the scheme or schemes, and
  - (c) the matters falling within the board's responsibility.
- (3) This section does not apply to a scheme under section 1 which is an injury or compensation scheme.

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#### Commencement Information

- I9** [S. 6](#) in force at 28.2.2014 for specified purposes by [S.I. 2014/433](#), [art. 3\(2\)\(c\)](#)
- I10** [S. 6](#) in force at 1.4.2014 for specified purposes by [S.I. 2014/839](#), [art. 2\(2\)\(c\)\(3\)](#)
- I11** [S. 6](#) in force at 1.4.2015 for specified purposes by [S.I. 2015/4](#), [art. 2\(1\)\(2\)\(c\)](#)
- I12** [S. 6](#) in force at 1.4.2015 for specified purposes by [S.I. 2014/1912](#), [art. 3\(1\)\(2\)](#)

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## 7 Scheme advisory board

- (1) Scheme regulations for a scheme under section 1 which is a defined benefits scheme must provide for the establishment of a board with responsibility for providing advice to the responsible authority, at the authority's request, <sup>[F4]</sup>on—
- (a) the desirability of changes to the scheme, or
  - (b) the desirability of changes to any other scheme under section 1 which—
    - (i) is connected with it, and
    - (ii) is not an injury or compensation scheme.]

<sup>[F5]</sup>(1A) Subsection (1) does not apply to a scheme under section 1 if—

- (a) the scheme is connected with another scheme under section 1 which is not an injury or compensation scheme, and
  - (b) a scheme advisory board is provided for under subsection (1) in scheme regulations for that other scheme.]
- (2) Where, by virtue of section 4(5), there is more than one scheme manager for a scheme mentioned in subsection (1) (and accordingly there is more than one pension board for the scheme), the regulations may also provide for the board to provide advice (on request or otherwise) to the scheme managers or the scheme's pension boards in relation to the effective and efficient administration and management of—
- (a) the scheme and any statutory pension scheme that is connected with it, or
  - (b) any pension fund of the scheme and any connected scheme.
- (3) A person to whom advice is given by virtue of subsection (1) or (2) must have regard to the advice.
- (4) The regulations must include provision—
- (a) requiring the responsible authority—
    - (i) to be satisfied that a person to be appointed as a member of the board does not have a conflict of interest, and
    - (ii) to be satisfied from time to time that none of the members of the board has a conflict of interest;
  - (b) requiring a member of the board, or a person proposed to be appointed as a member of the board, to provide the responsible authority with such information as the authority reasonably requires for the purposes of provision under paragraph (a).
- (5) In subsection (4) (a) “conflict of interest”, in relation to a person, means a financial or other interest which is likely to prejudice the person's exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).
- (6) In this Act, a board established under this section is called a “scheme advisory board”.

### Textual Amendments

- F4** S. 7(1)(a)(b) substituted for words (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 95\(4\)\(a\), 131\(1\)\(2\)\(f\)](#)
- F5** S. 7(1A) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 95\(4\)\(b\), 131\(1\)\(2\)\(f\)](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Public Service Pensions Act 2013, Cross Heading: Governance. (See end of Document for details)*

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**Commencement Information**

- I13** S. 7 in force at 28.2.2014 for specified purposes by S.I. 2014/433, **art. 3(2)(d)**
- I14** S. 7 in force at 1.4.2014 for specified purposes by S.I. 2014/839, **art. 2(2)(d)(3)**
- I15** S. 7 in force at 1.4.2015 for specified purposes by S.I. 2014/1912, **art. 3(1)(2)**
- I16** S. 7 in force at 1.4.2015 for specified purposes by S.I. 2015/4, **art. 2(1)(2)(d)**

**Changes to legislation:**

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