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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2015 No.**

**The Judicial Pensions Regulations (Northern Ireland) 2015**

**PART 3**

**Governance**

**Scheme manager**

4.—(1) The Department of Justice is the scheme manager for this scheme and any statutory pension scheme that is connected with it.

(2) The scheme manager is responsible for managing and administering this scheme and any statutory pension scheme that is connected with it.

(3) A statutory pension scheme that is a defined contributions scheme is not connected with this scheme.

(4) Before exercising any discretion under these Regulations, the scheme manager must obtain a recommendation from the Judicial Pension Board.

(5) If the scheme manager exercises any discretion under these Regulations contrary to a recommendation made by the Judicial Pension Board, it must provide written reasons for doing so to the Judicial Pension Board and to the member to whom the discretion relates (if any).

(6) The scheme manager and the Judicial Pension Board may agree that paragraphs (4) and (5) do not apply to specific discretions or in specific circumstances.

**Delegation**

5.—(1) The Department of Justice may delegate any functions under these Regulations, including this power.

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

(3) The Judicial Pension Board may delegate any functions under these Regulations.

**Judicial Pension Board: establishment**

6.—(1) A pension board (“the Judicial Pension Board”) is established.

(2) The Judicial Pension Board is responsible for assisting 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 of 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.

- (3) The Judicial Pension Board may determine its own procedures.

#### **Judicial Pension Board: membership**

7.—(1) The Judicial Pension Board is to consist of a chair appointed by the scheme manager and at least 2 and no more than 16 persons appointed by the chair, who are to be entitled to vote in its proceedings (“voting members”).

(2) Equal numbers of employer representatives and member representatives must be appointed under paragraph (1), including a departmental finance director who is to be treated as an employer representative.

(3) The chair cannot be an employer representative or a member representative.

(4) The appointment of member representatives must be approved by the Lord Chief Justice.

(5) The appointment of employer representatives must be approved by the scheme manager.

(6) The chair may, with the approval of the scheme manager, appoint up to 4 members of the Judicial Pension Board who are not to be entitled to vote in its proceedings (“non-voting members”).

(7) A non-voting member cannot be an employer representative or a member representative.

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

(9) In this regulation, “departmental finance director” means—

(a) an accounting officer appointed by the Department of Finance and Personnel under section 9 (resource accounts: preparation) of the Government Resources and Accounts Act (Northern Ireland) 2001<sup>(1)</sup>; or

(b) a civil servant who has responsibility for the financial management of a government department.

#### **Judicial Pension Board: conflicts of interest**

8.—(1) Before appointing, or approving the appointment of, any person under regulation 7, the scheme manager must be satisfied that that person does not have a conflict of interest.

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

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

(4) A member of the Judicial 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).

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

9.—(1) A scheme advisory board is established.

(2) The scheme advisory board is responsible for providing advice to the Department of Justice, at the request of that Department, on the desirability of making changes to this scheme.

(3) The scheme advisory board may determine its own procedures, subject to the approval of the Department of Justice.

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(1) 2001 c. 6 (N.I.).

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

**10.**—(1) The scheme advisory board is to consist of a chair appointed by the Department of Justice and at least 2 and no more than 16 persons appointed by the chair.

(2) Equal numbers of employer representatives and member representatives must be appointed under paragraph (1).

(3) The chair cannot be an employer representative or a member representative.

(4) The appointment of member representatives must be approved by the Lord Chief Justice.

(5) The appointment of employer representatives must be approved by the scheme manager.

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

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

**11.**—(1) Before appointing, or approving the appointment of, any person under regulation 10, the Department of Justice must be satisfied that that person does not have a conflict of interest.

(2) The Department of Justice 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 Department of Justice determines that a member of the scheme advisory board has a conflict of interest, the Department of Justice 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 Department of Justice with any information the Department of Justice may reasonably require for the purpose of paragraph (1) or (2).

### **Payment of fees and expenses**

**12.** The Department of Justice may—

(a) pay fees to or in respect of members of the Judicial Pension Board and the scheme advisory board of such amounts as the Department of Justice may determine; and

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