

SCHEDULES

SCHEDULE 3

Regulations 11 to 14

Information to be given on request

PART 1

Information on the constitution of the scheme

1. The contents of any trust deed or document under which the scheme is made.
2. The scheme rules.
3. The contents of any document that supplements or alters in any way the information referred to in paragraphs 1 and 2.
4. The name and postal and electronic address of every person who employs any member of the scheme in relevant employment.

PART 2

Information in the annual report etc.

5. A copy of the appropriate audited accounts or auditor's statements prepared and audited in accordance with regulations made under section 41 of the 1995 Act (provision of documents for members).
6. If Part 3 of the 2004 Act applies, a copy of the certificate by the actuary under section 227 of the 2004 Act (schedule of contributions) about the adequacy of the contributions payable towards the scheme.
7. Any of the information listed in Part 5 of this Schedule that applies.

PART 3

Information on funding principles and actuarial valuations etc.

8. The latest statement of funding principles where required under section 223 of the 2004 Act (statement of funding principles).
9. Where Part 3 of the 2004 Act applies to the scheme, a copy of the last actuarial valuation referred to in section 224 of the 2004 Act (actuarial valuations and reports) that the trustees or managers of the scheme have received.
10. Where Part 3 of the 2004 Act applies to the scheme, the latest actuarial report referred to in section 224 of the 2004 Act that the trustees or managers of the scheme have received after the last actuarial valuation.

11. Any recovery plan prepared under section 226 of the 2004 Act (recovery plan) that is currently in force.

12. The latest payment schedule under section 87 of the 1995 Act⁽¹⁾ (schedules of payments to money purchase schemes) or the latest schedule of contributions under section 227 of the 2004 Act that relates to the employer of the member.

13. The latest statement of principles governing decisions about investments where required by section 35 of the 1995 Act⁽²⁾ (investment principles).

14. A summary of the winding up procedure under section 231A of the 2004 Act⁽³⁾ (requirements for winding up procedure).

PART 4

Information on transfer credits

15. Whether the member or prospective member is entitled to acquire transfer credits in exchange for—

- (a) a specified cash equivalent (within the meaning of Chapter 4 of Part 4, or Chapter 2 of Part 4A, of the 1993 Act)⁽⁴⁾ (requirements relating to pension credit benefit) provided by another scheme, or
- (b) any transfer payment (within the meaning of Chapter 4 of Part 4, or Chapter 2 of Part 4A, of the 1993 Act) provided by another scheme.

16. A statement of any transfer credits referred to in paragraph 15 which the member or prospective member is entitled to acquire.

PART 5

Information that applies to the scheme

17. The names of the persons who are trustees of the scheme, and in the case of a scheme none of the trustees of which is an individual, the names of the directors of any company that is a trustee, during the scheme year to which the information relates (referred to in this Part as “the year”).

18. The provisions of the scheme in relation to the appointment of trustees and their removal from office and, in the case of a scheme none of the trustees of which is an individual, the provisions in the articles of association of each trustee that relate to the appointment and removal from office of any directors.

19. The names of the professional advisers and of such banks, custodians, and other persons and organisations who have acted for or who have been retained by the trustees during the year, with an indication (except in a case where regulation 12 is complied with by the trustees of a scheme for the first time) of any changes since the previous year.

20. The postal and electronic address to which enquiries about the scheme generally or about an individual’s entitlement to benefit should be sent.

21. The number of beneficiaries and active, deferred and pensioner members as at any one date during the year.

(1) Section 87 was amended by the 2004 Act, sections 319(1) and 320, Schedule 12, paragraph 64 and Schedule 13, Part 1.

(2) Section 35 was substituted by the 2004 Act, section 244.

(3) Section 231A was inserted by [S.I. 2006/1733](#).

(4) Part 4A was inserted by the 1999 Act, section 37.

22. Except in the case of a money purchase scheme, the percentage increases made (otherwise than in accordance with a legislative requirement) during the year (or, if there have been different increases for different individuals or groups of individuals, the maximum, minimum and average percentage increases) to—

- (a) pensions that were payable, and
- (b) deferred pensions,

with a statement whether the increases were to any extent discretionary.

23. Except in the case of a money purchase scheme that is a wholly insured scheme, the following information—

- (a) where any cash equivalents or guaranteed cash equivalents (within the meaning of Chapter 4 of Part 4 or Chapter 2 of Part 4A of the 1993 Act) paid during the year were not calculated and verified in the manner prescribed by regulations made under sections 97 or 101I of the 1993 Act⁽⁵⁾ (calculation of cash equivalents), as the case may be, a statement explaining why,
- (b) where any of the cash equivalents or guaranteed cash equivalents paid during the year were less than the amount for which section 94(1) of the 1993 Act⁽⁶⁾ (right to cash equivalent) provides, a statement to that effect together with information as to why they were less,
- (c) a statement of when full values became, or are likely to become, available, and
- (d) a statement whether discretionary benefits are included in the calculation of the transfer values and, if so, the method by which the value of discretionary benefits is assessed.

24. A statement as to whether the accounts have been prepared and audited in accordance with regulations made under section 41(1) and (6) of the 1995 Act (unless the scheme is exempt from such requirements by virtue of those regulations).

25. If the auditor's statement made in accordance with regulations made under section 41(1)(a) and (2)(b) of the 1995 Act is negative or qualified, an account of the reasons why and a statement as to how the situation has been or is likely to be resolved.

26. If such situation as is mentioned in paragraph 25 in respect of a previous scheme year was not resolved in a previous year, a statement as to how it has been or is likely to be resolved.

27. Who has managed the investments of the scheme during the year and the extent of any delegation of this function by the trustees.

28. Whether the trustees have produced a statement of the principles governing decisions about investments for the purposes of the scheme in accordance with section 35 of the 1995 Act⁽⁷⁾ (investment principles) (unless the scheme is exempt from such requirement by virtue of regulations made under that section) and, where the trustees have produced such a statement, a statement that a copy is available on request.

29. Except in relation to a wholly insured scheme, a statement as to the trustees' policy on the custody of the scheme assets.

30. Where the scheme is one to which section 35 of the 1995 Act applies, an investment report containing—

- (a) a statement by the trustees or the fund manager providing details of any investments made for the scheme during the year that were not made in accordance with the statement of

(5) Section 97 was amended by the 1995 Act, section 173 and Schedule 6, paragraph 4(a) to (c) and the Child Support, Pensions and Social Security Act 2000, section 56 and Schedule 5, paragraph 8(1). Section 101I was inserted by the 1999 Act, section 37.

(6) Section 94(1) was amended by the 1995 Act, section 154(1) and (2).

(7) Section 35 was substituted by the 2004 Act, section 244.

Status: This is the original version (as it was originally made).

investment principles governing decisions about investments required under section 35 of the 1995 Act,

- (b) where investments for the scheme have been made in the year that do not accord with the statement of investment principles governing decisions about investments required under section 35 of the 1995 Act (or were made in a previous year and continued to be held at the end of the year), a statement by the trustees or the fund manager giving the reasons why and explaining what action, if any, it is proposed to take or has already been taken to remedy the position,
- (c) a review of the investment performance of the scheme's fund—
 - (i) during the year, and
 - (ii) except where the scheme has existed for less than three scheme years, during a period of not less than 3 and not more than 5 scheme years ending with the year, including an assessment of the nature, disposition, marketability, security and valuation of the scheme's assets,
- (d) the trustees' policy (if any) in relation to the rights (including voting rights) attaching to investments, and
- (e) the extent (if at all) to which social, environmental or ethical considerations are taken into account in the selection, retention and realisation of investments.

31. A copy of any statement made on the resignation or removal of the auditor or actuary and made in accordance with regulations made under section 47(6) of the 1995 Act (professional advisors).

32. Except where the scheme is a trust scheme that applies to earners in employments under different employers, where the scheme has employer-related investments (within the meaning of section 40(2) of the 1995 Act⁽⁸⁾ (restriction on employer-related investments)), a statement—

- (a) as to the percentage of the scheme's resources invested in such investments at the end of the year,
- (b) if that percentage exceeds 5%, as to the percentage of the scheme's resources that are investments to which regulation 13 of the Occupational Pension Schemes (Investment) Regulations 2005⁽⁹⁾ (investments to which restrictions do not apply) applies, and
- (c) if any resources of the scheme are invested in contravention of subsection (1) of section 40 of the 1995 Act—
 - (i) as to the steps the trustees or managers of the scheme have taken or propose to take to secure that the scheme complies with that section, and
 - (ii) as to the time when any proposed steps will be taken.

33.—(1) Where the scheme is a trust scheme that applies to earners in employments under different employers, a statement in accordance with paragraph 32 or a statement—

- (a) listing the 100 largest investments by value held by the scheme as at the end of the year and stating what percentage of the resources of the scheme each such investment represents,
- (b) identifying which of the investments referred to in paragraph (a) are employer-related investments, and
- (c) if, as at the end of the year, more than 5% of the resources of the scheme are invested in employer-related investments in contravention of section 40(1) of the 1995 Act in relation to a particular employer—

⁽⁸⁾ Section 40 was amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 34 and 51 and [S.I. 2004/355](#).

⁽⁹⁾ [S.I. 2005/3378](#).

- (i) listing the employer-related investments and the name of the employer concerned,
- (ii) as to the steps the scheme has taken or proposes to take to ensure that the percentage is reduced to 5% or less, and
- (iii) as to the time when any proposed steps will be taken.

(2) In sub-paragraph (1) “employer-related investments” has the same meaning as in subsection (2) of section 40 of the 1995 Act but as if the following words in subsection (2) were omitted—

- (a) in paragraph (a) “or by any person who is connected with, or an associate of, the employer”,
and
- (b) “or any such person” in each place where they occur.