

SCHEDULES

SCHEDULE 3

Information to be given on request

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.

22. Except in the case of a money purchase scheme [^{F1}other than a collective money purchase scheme], the percentage [^{F2}increases or decreases] made (otherwise than in accordance with a legislative requirement) during the year (or, if there have been different [^{F2}increases or decreases] for different individuals or groups of individuals, the maximum, minimum and average percentage [^{F2}increases or decreases]) to—

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

with a statement whether the [^{F2}increases or decreases] were to any extent discretionary.

Textual Amendments

- F1** Words in Sch. 3 para. 22 inserted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(15)(c)(i)**
- F2** Words in Sch. 3 para. 22 substituted (1.8.2022) by [The Occupational Pension Schemes \(Collective Money Purchase Schemes\) \(Modifications and Consequential and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/337\)](#), regs. 1(3), **13(15)(c)(ii)**

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

- (a) where any cash equivalents ^{F3}... (within the meaning of [^{F4}Chapter 1 of Part 4ZA] 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 ^{M1} (calculation of cash equivalents), as the case may be, a statement explaining why,
- (b) where any of the cash equivalents ^{F3}... paid during the year were less than the amount for which [^{F5}section 94] of the 1993 Act ^{M2} (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.

Textual Amendments

- F3** Words in Sch. 3 para. 23 omitted (6.4.2015) by virtue of [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **12(3)(a)**
- F4** Words in Sch. 3 para. 23 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **12(3)(b)**
- F5** Words in Sch. 3 para. 23 substituted (6.4.2015) by [The Occupational and Personal Pension Schemes \(Disclosure of Information\) \(Amendment\) Regulations 2015 \(S.I. 2015/482\)](#), regs. 1, **12(3)(c)**

Marginal Citations

- M1** 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.
- M2** Section 94(1) was amended by the 1995 Act, section 154(1) and (2).

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 ^{M3} (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.

Marginal Citations

- M3** Section 35 was substituted by the 2004 Act, section 244.

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

30.—^{F6}(1) 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 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,

^{F7}(ca) a statement which must—

- (i) set out how, and the extent to which, in the opinion of the trustees, the policy required under regulation 2(3)(c) of the Occupational Pension Schemes (Investment) Regulations 2005 has been followed during the year, and
- (ii) describe the voting behaviour by, or on behalf of, trustees (including the most significant votes cast by trustees or on their behalf) during the year and state any use of the services of a proxy voter during that year,

^{F8}(d) the policies specified in the following paragraph of regulation 2 of the Occupational Pension Schemes (Investment) Regulations 2005 (statement of investment principles) (“the Investment Regulations”)—

- (i) paragraph (3)(b)(vi),
- (ii) paragraph (3)(b)(vii), ^{F9}...
- (iii) paragraph (3)(c), ^{F10}...

^{F11}(iv) paragraph (3)(d), and]]

^{F12}(e)

^{F13}(f) where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, a statement which must—

- (i) set out how, and the extent to which, in the opinion of the trustees, the statement of investment principles required under section 35 of the 1995 Act has been followed during the year,
- (ii) describe any review of the statement of investment principles undertaken during the year in accordance with regulation 2(1) of the Investment Regulations and any other review of how the statement of investment principles has been met,
- (iii) explain any change made to the statement of investment principles during the year and the reason for the change, and

- (iv) where no such review was undertaken during the year in accordance with regulation 2(1) of the Investment Regulations, give the date of the last review.
- (v) describe the voting behaviour by, or on behalf of, trustees (including the most significant votes cast by trustees or on their behalf) during the year and state any use of the services of a proxy voter during that year.]

[^{F14}(2) Where, on the preparation or revision of an investment report under sub-paragraph (1), a scheme is a wholly-insured scheme and the trustees do not consider that it should cease to be such a scheme, sub-paragraphs (ca) and (d) of sub-paragraph (1) do not apply.]

Textual Amendments

- F6** Sch. 3 para. 30(1): Sch. 3 para. 30 renumbered (with application in accordance with reg. 1(3) of the amending S.I.) by The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations 2021 (S.I. 2021/1070), regs. 1(2), **5(b)(i)**
- F7** Sch. 3 para. 30(ca) inserted (1.10.2020) by The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(4)(b), **3(4)** (with reg. 5)
- F8** Sch. 3 para. 30(d) substituted (1.10.2019) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(1), **5(5)(a)**
- F9** Word in Sch. 3 para. 30(d)(ii) omitted by virtue of S.I. 2018/988, reg. 5(5)(a) (as amended) (1.10.2019) by virtue of The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(2), 4(3)(aa)(c)(i) (with reg. 5)
- F10** Word in Sch. 3 para. 30(d)(iii) omitted by virtue of S.I. 2018/988, reg. 5(5)(a) (as amended) (1.10.2019) by virtue of The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(2), 4(3)(bb)(c)(i) (with reg. 5)
- F11** Sch. 3 para. 30(d)(iv) inserted by S.I. 2018/988, reg. 5(5)(a) (as amended) (1.10.2019) by The Occupational Pension Schemes (Investment and Disclosure) (Amendment) Regulations 2019 (S.I. 2019/982), regs. 1(2), **4(3)(c)(i)(cc)** (with reg. 5)
- F12** Sch. 3 para. 30(e) omitted (1.10.2019) by virtue of The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(1), **5(5)(b)**
- F13** Sch. 3 para. 30(f) inserted (1.10.2020) by The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 (S.I. 2018/988), regs. 1(3)(c), **5(5)(c)**
- F14** Sch. 3 para. 30(2) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations 2021 (S.I. 2021/1070), regs. 1(2), **5(b)(ii)**

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 ^{M4} (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 ^{M5} (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.

Marginal Citations

- M4** Section 40 was amended by the 2004 Act, section 319(1) and Schedule 12, paragraphs 34 and 51 and [S.I. 2004/355](#).
- M5** [S.I. 2005/3378](#).

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—
 - (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) [^{F15}Subject to sub-paragraph (3),] 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.

[^{F16}(3) Where regulation 16A of the Occupational Pension Schemes (Investment) Regulations 2005 (authorised master trust schemes) applies to a scheme that is a trust scheme, then for the purposes of the statement required by sub-paragraph (1), any employer-related investments which do not meet the definition in paragraph (4) of regulation 16A of those Regulations may be disregarded.]

Textual Amendments

- F15** Words in [Sch. 3 para. 33\(2\)](#) inserted (1.10.2022) by [The Occupational Pension Schemes \(Investment\) \(Employer-related investments by Master Trusts\) \(Amendment\) Regulations 2022 \(S.I. 2022/827\)](#), regs. 1(4), **4(2)(a)**
- F16** [Sch. 3 para. 33\(3\)](#) inserted (1.10.2022) by [The Occupational Pension Schemes \(Investment\) \(Employer-related investments by Master Trusts\) \(Amendment\) Regulations 2022 \(S.I. 2022/827\)](#), regs. 1(4), **4(2)(b)**

[^{F17}**34.** Where the scheme is a relevant scheme within the meaning of the Occupational Pension Schemes (Scheme Administration) Regulations 1996, the statement which the trustees or

Changes to legislation: There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, PART 5. (See end of Document for details)

managers are required to prepare by regulation 23 of those Regulations (annual statement regarding governance).]

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Textual Amendments

F17 Sch. 3 para. 34 inserted (6.4.2015) by [The Occupational Pension Schemes \(Charges and Governance\) Regulations 2015 \(S.I. 2015/879\)](#), regs. 1(2), **17(2)**

[^{F18}**34A.** Where the trustees are required to publish a report on a website in accordance with regulation 6(1)(b) of the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021 (climate change reporting and publication requirements), the website address where the report for the year has been published.]

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Textual Amendments

F18 Sch. 3 para. 34A inserted (1.10.2021) by [The Occupational Pension Schemes \(Climate Change Governance and Reporting\) \(Miscellaneous Provisions and Amendments\) Regulations 2021 \(S.I. 2021/857\)](#), regs. 1(1), **4(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013, PART 5.