

## **PART C**

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### **APPENDICES TO RULES FOR OCCUPATIONAL RETIREMENT SCHEMES**

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## APPENDIX 1

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(SLC 1.1.2 of Part B of the Pension Rules for Occupational Retirement Schemes)

### **Contents of the Constitutional Document of an Occupational Retirement Scheme (“the Scheme”)**

The Constitutional Document shall provide for the following:

- 1.1 that the objective of the Scheme is limited to the following:
  - (a) the receipt of contributions from one or more Contributor and the investment thereof in accordance with the investment policy of the Scheme with the aim of maximising return on such contributions; and the payment of Retirement Benefits to the Members of the Scheme.
  - (b) the carrying out of all matters or functions connected or ancillary to the above.
- 1.2 for an effective custody function and investment management function outlining the duties as set out in terms of Part B. 2 and Part B.3 of the Pension Rules for Service Providers;
- 1.3 the nature of the costs that may be borne by the Scheme;
- 1.4 may provide for the presence of employee representation;
- 1.5 the principles and method of valuation of the assets, which method shall have been approved by the MFSA;
- 1.6 provisions relating to the allocation and distribution of income;
- 1.7 specify the conditions under which there may be effected, and the procedure to be followed with respect to, the appointment and replacement of the Retirement Scheme Administrator, and any other Service Provider, including a provision that the Scheme or Retirement Scheme Administrator shall have power to replace any Service Provider and any other person providing other services to the Scheme, and including the right of the MFSA to require such replacement. There shall be provisions to ensure the protection of Members and Beneficiaries in such circumstances;
- 1.8 identify the basis upon which any Service Provider and any other person providing services to the Scheme may charge remuneration and expenditure to the Scheme; the method of calculation and the nature of costs to be borne by the Scheme; and the basis on which any other costs or expenses may be charged to the Scheme;
- 1.9 outline the procedure for the amendment of:
  - i. the Constitutional Document;
  - ii. any agreement between the Scheme or Retirement Scheme Administrator and a Service Provider and any other person providing services to the Scheme; and

- iii. the Scheme's Document, Scheme's Particulars or similar document giving details of the Scheme;
  - iv. any other document affecting the rights of the Members, Beneficiaries and /or Contributors of the Scheme;
  - v. a business plan submitted to the MFSA.
- 1.10 the requirements contained in Appendix 12 of the Pension Rules for Occupational Retirement Schemes.

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