

The Momentum Gibraltar Pension Plan

Scheme Particulars

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Pension
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Momentum

IMPORTANT INFORMATION

This document comprises the Scheme Particulars relating to The Momentum Gibraltar Pension Plan.

Momentum Pensions (Gibraltar) Limited does not give legal, tax or investment advice. This document is designed for general use only. It should not be relied on as advice.

Before you act on any information supplied by Momentum Pensions (Gibraltar) Limited you should first seek independent tax, legal and/or financial advice. You are advised to ensure that any such adviser is licensed by the appropriate regulatory body.

Whilst all reasonable care is taken to ensure that the information and data is accurate, we do not warrant this and all liability is expressly excluded. No liability is accepted, whether in contract, tort or otherwise for any loss, damage or expense which may have incurred as a result of any reliance or non-reliance on any of the information contained within this summary.

Statements in this document are based on information available, the law and practice in force in Gibraltar at the date of publication and are subject to change.

The Scheme should not be considered as the primary or only source for retirement provision and it should be considered with other retirement provisions including mandatory/voluntary occupational schemes that may be introduced in the foreseeable future.

PRINCIPLE PARTIES & REGISTERED OFFICES

Trustee and Administrator

Momentum Pensions (Gibraltar) Limited
("The Scheme Administrator") 19a, Town Range, PO Box 872, Gibraltar

DEFINITIONS

"Administrator" means the administrator of the Momentum Gibraltar Pension Plan;

"Authorised Scheme" means a Scheme approved by the Gibraltar Income Tax Office;

"HMRC" means Her Majesty's Revenue and Customs;

"Member" means a person accepted by the Trustees as a Member of the Scheme;

"Net Scheme Assets" means the Scheme Assets less any Scheme liabilities;

"Overseas Transfer Charge" (OTC) A UK tax charge imposed on an overseas pension transfer requested on or after 9th March 2017, where the transfer is not in respect of an EEA resident Member to an EEA¹ Scheme or otherwise excluded. For further details see the OTC section in Annex II.

"Pension Commencement Lump Sum" (PCLS) In the context of this Scheme, means the lump sum which can be paid when commencing benefits which is exempt from Gibraltar Income Tax. For further details see 'Receiving Your Pension Benefits' section,

"QROPS" means Qualifying Recognised Overseas Pension Scheme that is recognised by HMRC and able to receive transfers from qualifying UK pension schemes;

"Rules" means the rules of the Scheme;

"Scheme" means the Momentum Gibraltar Pension Plan;

¹ EEA includes Gibraltar, Liechtenstein, Norway and Iceland in this context.

“**Scheme Assets**” means the Initial Fund and all further Property paid or transferred to the Trustee as additions to the scheme assets managed under the provisions of the Scheme, all Property accruing thereto by way of capital accretion, all Property acquired by the Trustees, all accumulations of income accruing to any such Property;

“**Scheme Year**” means the period of 12 months commencing from the date of the establishment of the Scheme and each successive period of 12 months thereafter;

“**Trustee**” means the Trustee of the Momentum Gibraltar Pension Plan;

“**Trust Deed**” means the trust deed relating to the Momentum Gibraltar Pension Plan.

REGULATORY STATUS

The Momentum Gibraltar Pension Plan is domiciled in Gibraltar and registered as an approved Pension Scheme under the Income Tax Act 2010, Reference number ITO 40/399.

Momentum Pensions (Gibraltar) Limited is licensed and authorised by the Gibraltar Financial Services Commission as a Personal Pension Scheme Controller under License Number FSC1212B

The Momentum Gibraltar Pension Plan is recognised by Her Majesty’s Revenue & Customs (HMRC) as a Qualifying Recognised Overseas Pension Scheme (QROPS).

ROLE OF TRUSTEE

The Momentum Gibraltar Pension Plan is established by a declaration of trust.

The Trustees of the Scheme are Momentum Pensions (Gibraltar) Limited who have clear and specific obligations under Gibraltar legislation. In addition to the powers which the Trustees have by law, they have additional powers and discretion as the legal owner of the Trust Fund: including the power to adopt and amend rules regulating the operation of the Scheme and the rights of Members to benefit.

A separate Sub-Fund of the Trust shall be established for each Member, and the Trustees will appoint any Scheme Assets received from the Member, or held in relation to a Member, to the Sub-Fund.

ROLE OF ADMINISTRATOR

Momentum Pensions (Gibraltar) Limited has been appointed as Administrator of the Scheme, and the Administrator shall have such duties and powers in relation to the Scheme as provided for by the laws of Gibraltar and Trust and Deed Rules. The day to day administration of the Momentum Gibraltar Pension Plan has been outsourced to Momentum Pensions Malta Limited.

The Administrator will seek to ensure that the Scheme Assets are in line with our investment guidelines and properly diversified.

AVAILABILITY AND PERMITTED MEMBERS

The Momentum Gibraltar Pension Plan is available to all nationalities including Gibraltar residents, allowing individuals with deferred pension funds access to the Scheme, including UK pension funds via its status as a QROPS. Participation in the Scheme should be considered with other retirement provisions currently in force including voluntary or occupational schemes. Potential Scheme Members should seek professional advice on the suitability of the scheme and any related tax implications that may arise.

RETIREMENT DATES

Retirement may take place from age 55 to 75, when a lump sum and income drawdown can be taken.

ANTI-MONEY LAUNDERING PROCEDURES

Gibraltar complies with international standards to prevent money laundering. As part of this, we have a requirement to verify the identity of all of our clients, and each Member of the scheme will be required to provide the Scheme Administrators with proof of identity in a manner as prescribed by Gibraltar regulations. We will require either sight of original, or verified copies, of proof of identity (passport, full driving licence) and proof of address (recent utility bill or bank statement).

BANK ACCOUNT

Any funds received will be held by Momentum Pensions (Gibraltar) Limited on behalf of the member in the company's non interest bearing client's account, currently held with Capital Treasury Services. Officers of Momentum Pensions (Gibraltar) Limited will be the sole signatories.

TRANSFERABLE SCHEMES

UK pension rights are eligible for transfer into the Momentum Gibraltar Pension Plan either before the Member commences drawing benefit or once they have come into payment. This includes most types of pension scheme including income drawdown currently in payment. It is not possible to transfer the basic UK state pension into the Momentum Gibraltar Pension Plan, or to make a transfer after an annuity has been purchased or Final Salary Schemes are in payment.

INVESTING IN THE PENSION

The Member may choose an appropriate investment strategy in association with their professional adviser, who once authorised, will be duly appointed to manage the underlying investments.

Upon submission of said strategy, Momentum will consider the investment preferences and ensure that each Member's Scheme is managed in line with the relevant regulatory requirements.

In conjunction with their allocated professional adviser, the Member will control their contributions to the Scheme and how the funds should be invested, subject to any investment restrictions imposed by the Trustee. The Trustee will retain ultimate power and discretion with regards to investment decisions.

OVERSEAS TRANSFER CHARGE

The OTC was introduced in the UK Finance Act 2017 on certain transfers from a UK Registered Pension Scheme¹ to an Overseas Scheme requested after the 8th March 2017. Full details are included in Annex II.

Transfers of UK pension benefits requested after 8th March and originally excluded from the OTC will remain in scope for the OTC, within this scheme for five full consecutive UK tax years after the date of transfer. The OTC will apply where during this period a Member becomes Non EEA tax resident or transfers to another QROPS which is not excluded.

This charge does not apply on UK Transfers requested before the 9th March.

Detailed advice on this should be sought from your professional adviser in advance of transferring any benefits from a UK Registered Pension Scheme.

¹ Or a transfer of UK tax relieved funds in a Non UK Scheme.

RECEIVING YOUR PENSION BENEFITS

The Momentum Gibraltar Pension Plan offers the following options at retirement:

- Pension Commencement Lump Sum (PCLS) of up to 30% of the accumulated fund, and/or
- Income benefits may be taken as a lump sum(s) and/or regular payments with the maximum annual payment based on the UK Government Actuary's Department (GAD) rates
- Option to purchase a pension annuity from an insurance provider.

In the event of death, benefits may be paid as a lump sum or used to provide pension income to your beneficiaries. You may nominate the individuals you wish to receive benefits on the Application form or a nomination form at any time.

The Scheme Administrators, will decide how the death benefits will be paid and to whom, taking into consideration your wishes as noted on your nomination form.

BENEFIT RESTRICTIONS ON UK TRANSFERS

Where the Member is in scope as outlined below, UK legislation places a restriction on benefits taken and during this time, the Member's QROPS benefits must align to those benefit payments authorised from a UK Registered Pension Scheme.

This includes limiting the maximum PCLS in respect of a UK transfer fund to 25% of this fund. Benefits paid in excess of this are otherwise subject to a UK Tax Charge payable by the Member.

Transfers of UK tax relieved benefits on or after 6th April 2017

The restriction applies where the Member at the time of the payment:

- i) Draws benefits within 5 years of the date of transfer or
- ii) Is UK tax resident or was a UK tax resident in any of the ten previous consecutive UK tax years at the time of the payment

Transfers of UK tax relieved benefits before the 6th April 2017

The restriction applies where the Member at the time of payment

- i) Is UK tax resident or
- ii) Was a UK tax resident in any of the five previous consecutive UK tax years.

With regards to the remaining funds, the following two options apply:

- The residual fund can be used to provide you with income under GAD where relevant.
- The option to purchase a pension annuity from an insurance provider

ANNUAL REPORTING

In compliance with local regulations, the Directors of Momentum Pensions (Gibraltar) Limited will keep and maintain proper account records, and submit for each financial year Audited Financial Statements to the Gibraltar Financial Services Commission.

Scheme Members will receive annual statements showing their fund value.

QROPS REPORTING

In accordance with QROPS regulations, the Scheme Trustee and Administrator will undertake specific reporting requirements to HMRC. The Administrator has an obligation to report to HMRC each time a QROPS makes a payment to a Member.

The Scheme Administrator must report to HMRC where: Pension Payments to the Member commence; a lump sum payment is made; death benefits are distributed or a transfer payment is made.

It is the responsibility of the Scheme to follow the HMRC QROPS reporting rules for 10 years from the date of original UK transfer.

In addition, when benefits are transferred to another QROPS, the Administrator is also obligated to report if the transfer is subject to the OTC and the applicable amount, including the reason why no OTC applies, where relevant.

The Trustee cannot be held responsible for any penalties, fees or charges levied by HMRC should the Member elect to take their benefits in a way that is incompatible with the QROPS rules.

PENSION CONTRIBUTIONS

Once the fund is established, additional contributions may be transferred to the Scheme at any time. Contributions to the fund may be made by transfer from the Member's bank account; regular payments from the Member's disposable income or the transfer of existing pension benefits.

An employer is able to make contributions into the fund by way of a lump sum or regular payments. All employer contributions are payable gross.

TAXATION

No tax is payable within the fund on income and capital gains and there is no domestic Gibraltar tax on any PCLS taken or the provision of lump sum payment to a Member's beneficiaries on death. Income payments are taxable in Gibraltar at 2.5%.

Full details of income payments and tax deducted is reported annually to the Gibraltar Income Tax Office.

Tax may apply in the Member's (or beneficiary) country of tax residency at the time of payment of benefits.

Finally, if death occurs after age 75 and the conditions set out above for a transfer before or after 6th April 2017 apply, the person(s) who inherit the remainder of the funds may pay UK tax on the benefits.

FEES AND CHARGES

The Trustee and Administrator will levy an initial set up fee and annual Trust Fee on establishing the Scheme and charge an annual Trust fee thereafter, on the anniversary of the Member's registration. Additional fees may be payable as outlined in our Schedule of Fees.

Fees will be deducted from the Member's scheme investments.

Full details are contained within our schedule of fees. One month prior notice will be given to the Member of any changes in the Scheme's Fees.

WINDING UP AND DISCONTINUANCE OF THE SCHEME

Upon discontinuation of the Momentum Gibraltar Pension Plan, the Trustee will give notice in writing to wind up the Scheme. Each Member will be notified of their rights and options including the right to transfer the administration and trusteeship to a scheme which is willing to accept the transfer, and which is an Authorised Scheme or such other scheme as may be permitted by the Gibraltar Income Tax Office. The transfer will include the Net Scheme Assets held by the Trustees at the time, in relation to that Member.

Notice to the Member will include a request to notify the Administrator within 30 days of receipt of the request, of the new administrator or trustee.

In the event that the Member fails to notify the Administrator of their intentions, the Trustees will transfer the Net Scheme Assets to an Authorised Scheme of the Trustees choice, without the Member's consent.

TRUST DEED

The Trust is established as a personal Defined Contribution Scheme, approved as complying with the Gibraltar Income Tax Act by the Gibraltar Income Tax Office. Please contact Momentum Pensions (Gibraltar) Limited to obtain a copy of the Trust Deed.

COMPENSATION

There is no statutory provision of compensation for Members of the Scheme; furthermore, the registration of the Scheme is not an endorsement of the financial performance of the Scheme.

TECHNICAL AND REGULATORY INFORMATION

Momentum Pensions (Gibraltar) Limited is licensed and authorised by the Gibraltar Financial Services Commission as a Personal Pension Scheme Controller under License Number FSC1212B

Momentum Pensions Limited is the Trustee and Administrator of the Momentum Gibraltar Pension Plan.

The Momentum Gibraltar Pension Plan is approved by the Gibraltar Income Tax Office under the Income Tax Act 2010.

All assets within your plan are held under irrevocable trust for your exclusive benefit.

Momentum Pensions (Gibraltar) Limited does not give financial, legal, tax or investment advice. This document is designed for general information only.

Before you act on any information supplied by Momentum you should first seek independent tax, legal and/or financial advice.

Whilst all reasonable care is taken to ensure that the information and data is accurate, we do not warrant this and all liability is expressly excluded. We do not accept any liability, whether in contract, tort or otherwise for any loss, damage or expense which may have incurred as a result of any reliance on any of the information contained within this documentation.

The Scheme Particulars are intended to provide you with key information pertaining to the Momentum Gibraltar Pension Plan. This is not a statement of the full terms and conditions of the Trust and should be read in conjunction with the Trust Deed and Rules. It is based on our understanding and interpretation of current legislation, regulation and taxation. Every reasonable effort has been made to ensure its accuracy.

CONTACT

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Momentum Pensions (Gibraltar) Limited is licensed and authorised by the Gibraltar Financial Services Commission as a Personal Pension Scheme Controller under Licence Number FSC1212B. Company Registration Number 109892.

Annex I

Fee Schedule: QROPS

	Lite Scheme	Plus Scheme	Plus Scheme	Pro Scheme
Type of investment	Approved life companies	Approved life companies	Nominated platform	Open architecture structure
Minimum transfer value	£40k	£100k	£100K	£150k
Maximum transfer value	£100k	No limit	No limit	No limit
Number of free pension transfers	4	4	4	4
Set-up fee	£300	£645	£895	0.49% of the contribution Minimum: £1495 Maximum: £2495
Annual trust fee	£525	£895	£945	0.49% of the pension fund value Minimum: £1000
Additional pension transfer fee	£250	£250	£250	£250
Termination fee	Years 1-5: £1500 Year 6 onwards: £1000	Years 1-5: £1500 Year 6 onwards: £1000	Years 1-5: £1500 Year 6 onwards: £1000	Years 1-5: £1500 Year 6 onwards: £1000

Other services

Other services are available and associated fees will be provided upon request for specific events, technical support or investment activity beyond that deemed fair and reasonable in the administration of the pension scheme.

The fee schedule covers Momentum Pensions fees only. There will normally be additional charges in relation to the underlying investments. Charges may also be incurred for any other expenses, including legal expenses, disbursements, taxes and any other costs in connection with your pension scheme.

The Termination Fee will apply where benefits are transferred to an external pension scheme.

Changes to fee schedule

Momentum Pensions reserves the right to alter this fee schedule by giving one month notice prior to any changes that are made. Should the Lite scheme value rise above the maximum transfer value, the Trustees have the right to upgrade the fee structure to the Plus scheme, after providing the appropriate advice.

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Annex II

Overseas Transfer Charge (OTC)

The OTC was introduced in the Finance Act 2017 on certain transfers from a UK Registered Pension Scheme¹ to an Overseas Scheme requested after 8th March 2017. Transfers requested before the 9th March 2017, are not assessable to the OTC.

EEA TAX RESIDENT

Where a Member is EEA tax resident², the OTC will not apply on any transfer to this Scheme.

The transfer will be ring fenced within the Scheme.

Should the Member become non EEA tax resident at any time within five full consecutive UK tax years of the UK transfer (“relevant period”), the OTC will become payable and the Scheme Administrator must deduct 25% of the remaining QROPS ring fenced funds and remit the tax to HMRC. At the end of the relevant period there is no further liability to OTC.

NON EEA TAX RESIDENT

Any transfer to this Scheme will be liable to a 25% OTC on the transfer value.

However, where the OTC was payable on the transfer and the Member subsequently become EEA tax resident (or transfers to another QROPS which satisfies the conditions as below), within the relevant period, the OTC can be reclaimed by notifying the UK Scheme administrator, before the cut-off date which is one year after the end of the relevant period for the transfer concerned.

ONWARD TRANSFER TO ANOTHER QROPS:

Where a Member subsequently transfers any ring fenced funds to another QROPS during the relevant period, the transfer will be liable to a 25% OTC on the transfer value, unless one of the following five conditions are met:

1. The Member is resident in the same country / territory in which the receiving QROPS is established.
2. The Member is tax resident in the EEA and the receiving QROPS is established in the EEA².
3. The QROPS is set up by an international organisation of which the Member is an employee.
4. The QROPS is an overseas public service pension scheme and the Member is an employee of a public service employer.
5. The QROPS is an occupational pension scheme and the Member is an employee of a sponsoring employer under the Scheme.

The transferred fund remain assessable within the receiving QROPS until the relevant period has elapsed.

¹ Or a transfer of UK tax relieved funds in a Non UK Scheme.

² EEA includes Gibraltar, Liechtenstein, Norway and Iceland in this context.