

## **WILTSHIRE COUNCIL**

WILTSHIRE PENSION FUND COMMITTEE  
21<sup>st</sup> November 2024

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### **MiFID II compliance self-certification**

#### **Purpose of the Report**

1. The purpose of this report is to request confirmation by the committee and members that the fund should retain opted up for professional investor status.

#### **Background**

2. The implementation of MiFID II (Markets in Financial Instruments Directive) reclassified local and public authorities as retail investors from 3rd January 2018. Such a reclassification would severely limit the investment opportunities available to the fund, preventing the fund from implementing the investment strategy. It is worth noting that by opting for professional status the fund also loses some of the protections granted to retail investors. Full details of this are available here: [Protections.pdf](#)
3. At the Committee meeting on 13<sup>th</sup> September 2017 (Minute 25) members confirmed that they would opt for "Professional Investor" status with effect from 3<sup>rd</sup> January 2018, on the introduction of the MiFID II guidance.
4. LGPS administering authorities who are elected professional clients under this process are responsible for keeping their managers and advisors informed of any change that could affect their current categorisation. If not, these firm must take 'appropriate action', which could include re-categorising the Fund as a retail client.
5. The committee completes this annual self-certification process as part of its assessment of maintaining professional client status. Any new investment manager or advisor undertakes this review with the fund, this has recently been completed for the new investment advisor and new fund sign ups. It is based on a range of qualitative and quantitative assessment of the fund. One part of this is the knowledge, skills and experience of the committee.
6. The assessment has previously been made by asking each voting member of the committee to sign a self-certification form. This year we are proposing an approach for the fund to makes a collective assessment of its competence, or if preferred members can complete the individual signed declarations.
7. In making this assessment, committee members may wish to consider the support they receive from suitably qualified officers and professional advisors (retained advisor and independent advisor). Having an agreed training plan in place and receiving suitable training relevant to any decisions being made, such as the upcoming training on social investment. As well as personal training and experience in making informed investment decisions as part of the committee.

#### **Key Considerations for the Committee / Risk Assessment**

8. Members are requested to self-certify that they undertake the necessary continuous training to ensure that they remain competent to perform the duties and responsibilities associated investment decision making.

### **Financial Implications**

9. No direct implications.

### **Legal Implications**

10. There are no known implications from the proposals.

### **Environmental Impacts of the Proposals**

11. There is no known environmental impact of this report.

### **Safeguarding Considerations/Public Health Implications/Equalities Impact**

12. There are no known implications currently.

### **Proposals**

13. For either:
- a) all voting members of the Committee to complete the self-certification letter, as required.
  - b) For the Committee to confirm that collectively they have the requisite skills, experience and support to remain a professional investor.

Jennifer Devine  
Head of the Wiltshire Pension Fund

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Unpublished documents relied upon in the production of this report: NONE

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