



**Run-Off / Overlooked Beneficiary Insurance  
Kemble Vs Hicks Questionnaire**

AXIS Specialty London  
4<sup>th</sup> Floor, Plantation Place South, 60 Great Tower Street, London EC3R 5AZ  
Telephone: 020 7877 3800 · Fax: 020 7877 3840 · www.axiscapital.com

**Use Ctrl P on your keyboard to print this document.**

Please ensure that all questions are answered fully and correctly. Once completed please return this form to AXIS Insurance/E&O Professionals.

1. Name of pension Scheme:

2. Does the scheme trust deed and rules give an express power that would allow the Trustees to purchase insurance to indemnify them against their liability? (please circle relevant answer)

<b>Yes</b>	<b>No</b>
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If 'No':

a) Will the Sponsoring Employer be paying the premium? (please circle relevant answer)

<b>Yes</b>	<b>No</b>
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b) Is the scheme in surplus? (please circle relevant answer)

<b>Yes</b>	<b>No</b>
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c) Is the surplus sufficient to cover the premium and will the premium be paid from the surplus being returned to the sponsoring Employer? (please circle relevant answer)

<b>Yes</b>	<b>No</b>
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If the answer to questions 2a] and 2b] above is No you will require the attached Kemble v Hicks endorsement for which there is a 5% additional premium payable.

**Declaration**

I/We the undersigned hereby declare that to the best of our knowledge and belief the Particulars set forth herein are true.

Name of each Trustee	Signature of each Trustee	Date
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**(N.B. All Trustees Must Sign)**



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### **Endorsement**

Exception 11 is hereby deleted.

The following Interpretation is added to this Certificate

Breach of Duty shall include the arrangement of this insurance by payment of the premium hereunder from scheme assets if such payment is successfully challenged by any person entitled to be a beneficiary under the scheme but not by any past or present trustee of the scheme.

### **Basis of settlement**

1. in the event of no prior claim having been paid under this Certificate the amount of the premium shall be returned in full
2. in the event of a claim being paid under this Certificate the amount of which being less than the amount of the Premium the difference between the amount of the claim and the amount of the Premium shall be returned
3. in the event of a claim being paid under this Certificate which is greater than the amount of the Premium there shall be no return of premium hereunder

In the event of any payment under this Endorsement the Certificate shall be cancelled and no further claim will be paid even if such claim shall have been notified to the Insurer prior to the date of payment under this Endorsement.

### **Data Protection**

I understand and give explicit consent that the information I provide about myself and other persons named in this proposal, including any sensitive personal data, will be passed to or used by AXIS Insurance/E&O Professionals and its agents for my insurance. This includes underwriting, processing, claims handling and preventing fraud, and could include passing information to re-insurers, other insurers and subcontractors in the UK or any other country (even those which have limited Data Protection laws).