STATUTORY INSTRUMENTS

# 2005 No. 2113

# PENSIONS

## The Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2005

*Made - - - -* *28th July 2005*

*Laid before Parliament* *29th July 2005*

*Coming into force in accordance with regulation 1*

## ARRANGEMENT OF REGULATIONS


1. Citation, commencement and interpretation
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The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 10(5)(a) and (7)(a), 69(2), 206(4)(a), 207(2), 307(1)(b) and (2)(b), 315(2), (4) and (5) and 318(1) and (4)(a) of, and paragraph 23 of Schedule 7 to, the Pensions Act 2004(**a**), and of all other powers enabling him in that behalf, by this instrument, which contains regulations made before the end of the period of six months beginning with the coming into force of the provisions of that Act by virtue of which the regulations are made(**b**), makes the following Regulations:

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(**a**) 2004 c.35. The Pensions Act 2004 is modified in its application to partially guaranteed schemes by S.I. 2005/277, in its application to hybrid schemes by S.I. 2005/449, and in its application to multi-employer schemes by S.I. 2005/441 (as amended by S.I. 2005/993). Section 318(1) is cited because of the meaning there given to "modifications", "prescribed" and "regulations".

(**b**) *See* section 317 of the Pensions Act 2004, which provides that the Secretary of State must consult such persons as he considers appropriate before making regulations by virtue of the provisions of that Act (other than Part 8). This duty does not apply where regulations are made before the end of the period of six months beginning with the coming into force of the provisions of the Act by virtue of which the regulations are made.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Occupational Pension Schemes (Miscellaneous Amendments) Regulations 2005 and, except as otherwise provided in paragraphs (2) to (4), shall come into force on 19th August 2005.

(2) Paragraphs (3) and (4) of regulation 10 (amendment of the Multi-employer Regulations), and this paragraph in so far as it applies those paragraphs of that regulation, shall come into force on 1st August 2005.

(3) Paragraphs (1) to (6) of regulation 9 (amendment of the Compensation Regulations) shall come into force on 5th December 2005.

(4) Paragraph (7) of regulation 9 shall come into force—

(a) in respect of a person under the age of 25 on 5th April 2006 who is entitled to receive compensation prior to 6th April 2006, on the date that he attains the age of 25; or

(b) in respect of any other person, on 6th April 2006;

(5) In these Regulations—

"the Act" means the Pensions Act 2004;

"the Compensation Regulations" means the Pension Protection Fund (Compensation) Regulations 2005(**a**);

"the Entry Rules Regulations" means the Pension Protection Fund (Entry Rules) Regulations 2005(**b**);

"the Multi-employer Regulations" means the Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations 2005(**c**);

"the Notifiable Events Regulations" means the Pensions Regulator (Notifiable Events) Regulations 2005(**d**);

"the Provision of Information Regulations" means the Pension Protection Fund (Provision of Information) Regulations 2005(**e**);

"the Review and Reconsideration Regulations" means the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005(**f**);

"the Valuation Regulations" means the Pension Protection Fund (Valuation) Regulations 2005(**g**).

**Amendment of section 10 of, and Schedule 2 to, the Act**

**2.**—(1) After subsection (6)(h) of section 10 of the Act (functions exercisable by the Determinations Panel), insert—

"(ha) section 58(7) of that Act (power of the Regulator in prescribed circumstances to extend or further extend the period referred to in section 58(6) of that Act in relation to a schedule of contributions);

(hb) section 60(7) of that Act (power of the Regulator in prescribed circumstances to extend or further extend the period applicable under section 60(3) of that Act in relation to securing an increase in value);".

(2) After paragraph 15 of Schedule 2 to the Act(**h**) (the reserved regulatory functions), insert—

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(**a**) S.I. 2005/670, amended by S.I. 2005/993.
(**b**) S.I. 2005/590, amended by S.I. 2005/993.
(**c**) S.I. 2005/441, amended by S.I. 2005/993.
(**d**) S.I. 2005/900.
(**e**) S.I. 2005/674.
(**f**) S.I. 2005/669, amended by S.I. 2005/993.
(**g**) S.I. 2005/672, amended by S.I. 2005/993.
(**h**) Schedule 2 was amended by S.I. 2005/703.

"**15A.** The power under section 58(7) to extend or further extend the period referred to in section 58(6) of that Act in relation to a schedule of contributions for an occupational pension scheme.

**15B.** The power under section 60(7) to extend or further extend the period applicable under section 60(3) of that Act in relation to securing an increase in the value of the assets of an occupational pension scheme.".

(3) Paragraphs (ha) and (hb) of section 10(6) of, and paragraphs 15A and 15B of Schedule 2 to, the Act (as inserted by paragraphs (1) and (2)) shall only have effect in the case of applications made by virtue of sections 58(7) and 60(7) of the Pensions Act 1995(**a**) on or after the date on which these Regulations come into force for the exercise of the power to extend or further extend under section 58(7) or 60(7) of that Act.

**Amendment of Schedule 9 to the Act**

**3.** After paragraph 7 of Schedule 9 to the Act(**b**) (reviewable matters), insert—

"**7A.** Any determination by the Board under section 141(2) (determination on a review of an ill health pension that compensation in respect of the pension is to be determined in the prescribed manner).".

**Insertion of the definition of "assessment date"**

**4.**—(1) In each of the provisions specified in paragraph (2), in the appropriate alphabetical place, insert—

""the assessment date" means the date on which the assessment period in relation to the scheme or section, or (where there has been more than one such assessment period) the last one, began;".

(2) The specified provisions are—

(a) paragraph (2) of regulation 1 of the Compensation Regulations (citation, commencement and interpretation);

(b) paragraph (3) of regulation 1 of the Entry Rules Regulations (citation, interpretation and commencement);

(c) paragraph (2) of regulation 1(**c**) of the Multi-employer Regulations (citation, commencement and interpretation);

(d) paragraph (1) of regulation 2 of the Provision of Information Regulations (interpretation);

(e) paragraph (2) of regulation 1 of the Review and Reconsideration Regulations (citation, commencement and interpretation); and

(f) paragraph (2) of regulation 1 of the Valuation Regulations (commencement, citation and interpretation).

**Amendment of the definition of "employer" of an occupational pension scheme that has no active members**

**5.**—(1) For the first definition of "employer" ("employer" in relation to an occupational pension scheme that has no active members) in each of the provisions specified in paragraph (2), substitute—

""employer", in relation to—

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(**a**) 1995 c.26. Section 58 was amended by section 18 of, and paragraph 14(1) of Schedule 2 to, the Welfare Reform and Pensions Act 1999 (c.30).

(**b**) Schedule 9 was amended by regulation 4 of S.I. 2005/600 and was also modified, in relation to a partially guaranteed scheme, by regulation 3 of that instrument. Schedule 9 was further modified, in relation to the functions of the Pensions Compensation Board, by article 4(11) of S.I. 2005/1720.

(**c**) Regulation 1 was amended by regulation 5(2) of S.I. 2005/993.

(a) an occupational pension scheme which is not a multi-employer scheme; or

(b) a single-employer section of a segregated scheme,

which has no active members, includes the person who was the employer of persons in the description of employment to which the scheme or section relates immediately before the time at which the scheme or section ceased to have any active members in relation to it;".

(2) The specified provisions are—

(a) paragraph (2) of regulation 1 of the Compensation Regulations;

(b) paragraph (2) of regulation 1 of the Review and Reconsideration Regulations; and

(c) paragraph (2) of regulation 1 of the Valuation Regulations.

(3) For paragraph (4) of regulation 1 of the Entry Rules Regulations, substitute—

"(4) In Part 2 of the Act and these Regulations, "employer", in relation to—

(a) an occupational pension scheme which is not a multi-employer scheme; or

(b) a single-employer section of a segregated scheme,

which has no active members, includes the person who was the employer of persons in the description of employment to which the scheme or section relates immediately before the time at which the scheme or section ceased to have any active members in relation to it.".

(4) For paragraph (2) of regulation 2 of the Provision of Information Regulations, substitute—

"(2) In these Regulations, "employer", in relation to—

(a) an occupational pension scheme which is not a multi-employer scheme; or

(b) a single-employer section of a segregated scheme,

which has no active members, includes the person who was the employer of persons in the description of employment to which the scheme or section relates immediately before the time at which the scheme or section ceased to have any active members in relation to it.".

**Amendment of the definition of "employer" in relation to a multi-employer scheme or a section of a multi-employer scheme**

**6.**—(1) For the second definition of "employer" ("employer" in relation to a multi-employer scheme or a section of a multi-employer scheme) in each of the provisions specified in paragraph (2), substitute—

""employer", in relation to a non-segregated scheme or a multi-employer section of a segregated scheme—

(a) in an assessment period, includes any person who before the assessment date has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the Pensions Act 1995(**a**) (deficiencies in the assets) became due from that employer and the full amount of the debt has been paid before the assessment date;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full before the assessment date;

(iii) condition C is that such a debt became due but before the assessment date it is excluded from the value of the assets of the scheme or section because it is

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(**a**) Section 75 was amended by section 271 of the Pensions Act 2004.

unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;

(b) in any other case, includes any person who has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the Pensions Act 1995 became due from that employer and the full amount of the debt has been paid;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full;

(iii) condition C is that such a debt became due but it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;".

(2) The specified provisions are—

(a) paragraph (2) of regulation 1 of the Compensation Regulations; and

(b) paragraph (2) of regulation 1 of the Review and Reconsideration Regulations.

(3) For paragraph (5) of regulation 1 of the Entry Rules Regulations, substitute—

"(5) In these Regulations, "employer", in relation to a non-segregated scheme or a multi-employer section of a segregated scheme—

(a) in an assessment period, includes any person who before the assessment date has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the 1995 Act became due from that employer and the full amount of the debt has been paid before the assessment date;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full before the assessment date;

(iii) condition C is that such a debt became due but before the assessment date it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;

(b) in any other case, includes any person who has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the 1995 Act became due from that employer and the full amount of the debt has been paid;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full;

(iii) condition C is that such a debt became due but it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due.".

(4) For paragraph (3) of regulation 2 of the Provision of Information Regulations, substitute—

"(3) In these Regulations, "employer", in relation to a non-segregated scheme or a multi-employer section of a segregated scheme—

(a) in an assessment period, includes any person who before the assessment date has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the Pensions Act 1995 became due from that employer and the full amount of the debt has been paid before the assessment date;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full before the assessment date;

(iii) condition C is that such a debt became due but before the assessment date it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;

(b) in any other case, includes any person who has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the Pensions Act 1995 became due from that employer and the full amount of the debt has been paid;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full;

(iii) condition C is that such a debt became due but it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due.".

(5) For the second definition of "employer" in paragraph (2) of regulation 1 of the Valuation Regulations, substitute—

""employer", in relation to a non-segregated scheme or a multi-employer section of a segregated scheme—

(a) in an assessment period, includes any person who before the assessment date has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a section 75 debt became due from that employer and the full amount of the debt has been paid before the assessment date;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full before the assessment date;

(iii) condition C is that such a debt became due but before the assessment date it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;

(b) in any other case, includes any person who has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a section 75 debt became due from that employer and the full amount of the debt has been paid;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full;

(iii) condition C is that such a debt became due but it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or

section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;".

**Insertion of definition of "non-segregated scheme"**

**7.**—(1) In each of the provisions specified in paragraph (2), in the appropriate alphabetical place, insert—

""non-segregated scheme" means a multi-employer scheme which is not a segregated scheme;".

(2) The specified provisions are—

(a) paragraph (2) of regulation 1 of the Compensation Regulations;

(b) paragraph (1) of regulation 2 of the Provision of Information Regulations;

(c) paragraph (2) of regulation 1 of the Review and Reconsideration Regulations; and

(d) paragraph (2) of regulation 1 of the Valuation Regulations.

**Insertion of the definition of "segregated scheme"**

**8.**—(1) In each of the provisions specified in paragraph (2), in the appropriate alphabetical place, insert—

""segregated scheme" means a multi-employer scheme which is divided into two or more sections where—

(a) any contributions payable to the scheme by an employer in relation to the scheme or by a member are allocated to that employer's or that member's section; and

(b) a specified proportion of the assets of the scheme is attributable to each section of the scheme and cannot be used for the purposes of any other section;".

(2) The specified provisions are—

(a) paragraph (2) of regulation 1 of the Compensation Regulations;

(b) paragraph (1) of regulation 2 of the Provision of Information Regulations;

(c) paragraph (2) of regulation 1 of the Review and Reconsideration Regulations; and

(d) paragraph (2) of regulation 1 of the Valuation Regulations.

**Amendment of the Compensation Regulations**

**9.**—(1) The Compensation Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (2) of regulation 1—

(a) after the definition of "qualifying course", insert—

""the register" means the system for keeping records provided under section 30(2) of the Civil Partnership Act 2004(**a**) (the Registrar General and the register);

"relevant partner" means a person of either sex who was not married to, or in a civil partnership with, the member and who was living with the member as if that person and the member were husband and wife; and for the purposes of these Regulations, two adults of the same sex are to be regarded as living together as husband and wife if, but only if, they would be regarded as living together as husband and wife were they instead two adults of opposite sex;"; and

(b) after the definition of "transferor", omit the definition of "relevant partner".

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(**a**) 2004 c.33.

(3) In regulation 3 (circumstances where a widow or widower is not entitled to periodic compensation), for "where there is no provision to pay a survivor's pension under the admissible rules of the scheme.", substitute—

"where there is—

(a) a valid nomination made by the member in accordance with either—

(i) the admissible rules of the scheme; or

(ii) regulation 4(2)(a),

to pay a survivor's pension to a relevant partner; or

(b) no provision to a pay a survivor's pension under the admissible rules of the scheme.".

(4) In regulation 4 (compensation for surviving dependants)—

(a) in paragraph (2), for "In the case of a relevant partner", substitute "Subject to paragraph (2A), in the case of a relevant partner"; and

(b) after paragraph (2), insert—

"(2A) No compensation may be paid under paragraph (2) where the member had a civil partner, or a spouse, at the date of his death, and there is no valid nomination in favour of the relevant partner.

(2B) Subject to paragraph (2C), in the case of a civil partner, the circumstances are—

(a) where there is provision to pay a survivor's pension to a civil partner or spouse of the member under the admissible rules of the scheme (whether discretionary or otherwise);

(b) the surviving civil partner has provided the Board, or during the assessment period the trustees or managers of the eligible scheme, with a certified copy of the entry in the register relating to the civil partnership; and

(c) the civil partnership was still in existence at the date of the member's death.

(2C) No compensation may be paid under paragraph (2B) where there is a valid nomination made by the member in accordance with either—

(a) the admissible rules of the scheme; or

(b) regulation 4(2)(a),

to pay a survivor's pension to a relevant partner.".

(5) In regulation 5(**a**) (amount and duration of periodic compensation in the case of relevant partners), after "compensation is payable to a relevant partner", insert "or civil partner,".

(6) In paragraphs (2) and (3) of regulation 6 (amount of periodic compensation that can be paid in the case of surviving dependants), for "surviving spouse or relevant partner", substitute "surviving spouse, relevant partner or civil partner".

(7) In regulation 7 (period of payment), for "25", in each place it occurs, substitute "23".

**Amendment of the Multi-employer Regulations**

**10.**—(1) The Multi-employer Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(**b**) (citation, commencement and interpretation)—

(a) in paragraph (2), in the appropriate alphabetical place, insert—

""employer", in relation to a single-employer section of a segregated scheme which has no active members, includes the person who was the employer of persons in the description of employment to which the scheme or section relates immediately before

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(**a**) Regulation 5(b) was amended by regulation 2 of S.I. 2005/993.
(**b**) Regulation 1 was amended by regulation 5(2) of S.I. 2005/993.

the time at which the scheme or section ceased to have any active members in relation to it;"; and

(b) for paragraph (3), substitute—

"(3) In the application of Part 2 of the Act, the definition of "multi-employer scheme" in section 307(4) of the Act and of these Regulations, "employer", in relation to a multi-employer scheme that is not a segregated scheme or a multi-employer section of a segregated scheme—

(a) in an assessment period, includes any person who before the assessment date has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the Pensions Act 1995 (deficiencies in the assets) became due from that employer and the full amount of the debt has been paid before the assessment date;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full before the assessment date;

(iii) condition C is that such a debt became due but before the assessment date it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due;

(b) in any other case, includes any person who before the assessment date has ceased to be the employer of persons in the description of employment to which the scheme or section relates unless condition A, B, C or D is satisfied where—

(i) condition A is that a debt under section 75 of the Pensions Act 1995 became due from that employer and the full amount of the debt has been paid before the assessment date;

(ii) condition B is that—

(aa) such a debt became due;

(bb) a legally enforceable agreement has been entered into the effect of which is to reduce the amount which may be recovered in respect of the debt; and

(cc) the reduced amount has been paid in full before the assessment date;

(iii) condition C is that such a debt became due but before the assessment date it is excluded from the value of the assets of the scheme or section because it is unlikely to be recovered without disproportionate costs or within a reasonable time;

(iv) condition D is that at the time at which any such person ceased to be the employer of persons in the description of employment to which the scheme or section relates the value of the assets of the scheme or section was such that no such debt was treated as becoming due.".

(3) For Part 3 (segregated schemes: multi-employer sections without requirement for partial wind up on withdrawal of participating employer), substitute—

# “PART 3

## SEGREGATED SCHEMES:

### MULTI-EMPLOYER SECTIONS WITHOUT REQUIREMENT FOR PARTIAL WIND UP ON WITHDRAWAL OF A PARTICIPATING EMPLOYER

**Application and effect**

**14.**—(1) This regulation applies to a multi-employer section of a segregated scheme the rules of which do not provide for the partial winding up of the section when an employer in relation to the section ceases to participate in the scheme.

(2) Except as otherwise provided in this Part, in the case of a section of a scheme to which this regulation applies—

(a) Part 2 of the Act, except Chapter 4 (fraud compensation), shall be read as if it contained the modifications provided for by this Part; and

(b) references in Part 2 of the Act, except in Chapter 4, to—

(i) “scheme rules” shall be read as if they were references to “scheme rules relating to the section”;

(ii) “the scheme” shall be read as if they were references to “the section”;

(iii) “the employer” shall be read as if they were references to “an employer in relation to the section”; and

(iv) “trustees or managers of the scheme” shall, in relation to a multi-employer section of a segregated scheme, be read as if they were references to “trustees or managers with ultimate responsibility for the administration of the section”.

(3) Paragraph (2) shall not have effect in relation to section 174 of the Act (initial levy).

**Notification of insolvency events, confirmation of scheme status etc.**

**15.**—(1) Section 120 of the Act (duty to notify insolvency events in respect of employers) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

“(1) This section applies where, in the case of a section of a multi-employer scheme which is divided into two or more sections (“a segregated scheme”) with at least two employers in relation to that section of the scheme (“a multi-employer section”), an insolvency event occurs in relation to any employer in relation to that section.”; and

(b) after subsection (2), there were inserted the following subsection—

“(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from an insolvency practitioner under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).”.

(2) Section 122 of the Act (insolvency practitioner’s duty to issue notices confirming status of scheme) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

“(1) This section applies where an insolvency event has occurred in relation to any employer in relation to a multi-employer section of a segregated scheme.”;

(b) in subsection (2)—

(i) for the words "the employer", there were substituted the words "an employer";

(ii) in paragraph (a), after the words "a scheme rescue is not possible", there were inserted the words "in relation to the relevant section of the scheme"; and

(iii) in paragraph (b), after the words "a scheme rescue has occurred", there were inserted the words "in relation to the relevant section of the scheme";

(c) in paragraph (a) of subsection (3), for the words "the employer", there were substituted the words "an employer";

(d) in subsection (4)—

(i) for the words "the employer", there were substituted the words "an employer"; and

(ii) for the words "in relation to the scheme", there were substituted the words "in relation to the section";

(e) in subsection (5)—

(i) in paragraph (a), for the words "in relation to an occupational pension scheme", there were substituted the words "in relation to a multi-employer section of a segregated scheme"; and

(ii) in paragraph (b), for the words "in relation to such a scheme", there were substituted the words "in relation to such a section";

(f) in subsection (6), for the words "the employer", there were substituted the words "an employer"; and

(g) after subsection (6), there were inserted the following subsection—

"(6A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice issued by an insolvency practitioner or former insolvency practitioner under subsection (6), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(3) Section 123 of the Act (approval of notices issued under section 122) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where the Board receives a notice under section 122(6) ("the section 122 notice") in relation to any employer in relation to a multi-employer section of a segregated scheme at a time when the Board has previously received such a notice in relation to all other employers in relation to that section of the scheme.";

(b) for subsection (2), there were substituted the following subsection—

"(2) The Board must determine whether to approve the section 122 notice received in relation to that employer."; and

(c) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a determination notice issued by the Board under subsection (4), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(4) Section 124 of the Act (Board's duty where there is a failure to comply with section 122) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in subsection (1)—

(i) for the words "This section applies where in relation to an occupational pension scheme", there were substituted the words "This section applies where in relation to a multi-employer section of a segregated scheme"; and

(ii) in paragraphs (a) and (b), for the words "the employer", there were substituted the words "an employer";

(b) in subsection (4)—

(i) in paragraph (d), for the words "the employer", there were substituted the words "an employer"; and

(ii) in paragraph (e), for the words "in relation to the employer, the employer", there were substituted the words "in relation to an employer, that employer"; and

(c) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a notice issued by the Board under section 122 by virtue of this section, they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(5) Section 125 of the Act (binding notices confirming status of scheme) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, after subsection (3), there were inserted the following subsection—

"(3A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (3) together with a copy of the binding notice, they must send a copy of the notice and the binding notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

**Eligible schemes**

**16.**—(1) Except as otherwise provided in this Part, for the purposes of Part 2 of the Act, except Chapter 4, as it applies to a section of a scheme to which regulation 14 applies, references to "an eligible scheme" shall be read as if they were references to a multi-employer section of a segregated scheme where that section, if it were a scheme, would not be—

(a) a money purchase scheme; or

(b) a scheme which is a prescribed scheme or a scheme of a prescribed description under section 126(1)(b) of the Act.

(2) Paragraph (1) shall not apply for the purposes of sections 174 to 181 of the Act (the levies).

**Duty to assume responsibility for schemes**

**17.**—(1) Section 127 of the Act (duty to assume responsibility for schemes following insolvency event) shall have effect in relation to a section of a scheme to which regulation 14 applies and, for this purpose, shall be modified so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where a qualifying insolvency event has occurred in relation to an employer in relation to a multi-employer section of a segregated scheme.";

(b) for subsection (3), there were substituted the following subsection—

"(3) For the purposes of this section, an insolvency event ("the current event") in relation to an employer in relation to a multi-employer section of a segregated

scheme which is, for the purposes of this Part, an eligible scheme, is a qualifying insolvency event if—

(a) it occurs—

(i) simultaneously in relation to more than one of the employers in relation to that section of the scheme at a time when those employers are the only employers in relation to that section, or

(ii) in relation to an employer in relation to that section of the scheme at a time when all other employers in relation to that section have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the section under section 129(1A)(**a**) or a notice given by the Board in respect of them under section 129(5) by virtue of a notice given by the Regulator under section 129(4)(a)(**b**),

(b) it occurs on or after the day appointed under section 126(2), and

(c) it—

(i) is the first insolvency event to occur in relation to that employer on or after that day, or

(ii) does not occur within an assessment period (see section 132) in relation to the section which began before the occurrence of the current event.".

(2) Section 128 of the Act (duty to assume responsibility for schemes following application or notification) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, for subsection (1), there were substituted the following subsection—

"(1) This section applies where, in relation to a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme—

(a) the trustees or managers make an application under subsection (1)(a) or (b) of section 129 (a "section 129 application"), or

(b) the Board receives a notice given by the Regulator under subsection (4)(b) of that section."(**c**).

(3) Section 129 of the Act (applications and notifications for the purposes of section 128) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) Where the trustees or managers of a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme—

(a) have—

(i) notified the Board in accordance with subsection (1A) that an employer in relation to the section is unlikely to continue as a going concern at a time when all other employers in relation to that section have either had—

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(**a**) Subsection (1A) of section 129 of the Pensions Act 2004 (c.35) is inserted by the modification in paragraph (3)(b) of this regulation.

(**b**) Subsection (4) of section 129 of the Pensions Act 2004 is substituted by the modification in paragraph (3)(c) of this regulation.

(**c**) Subsection (1) of section 129 is modified by paragraph (3)(a) of this regulation.

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the section under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), or

(ii) received a notice given by the Board under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a) in respect of an employer in relation to the section at a time when all other employers in relation to that section have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the section under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), or

(b) are aware that a person is no longer an employer, or that persons are no longer employers, in relation to the section at a time when—

(i) all other employers in relation to that section have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the section under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), and

(ii) at least one such insolvency event occurred, or at least one such notice was given under subsection (1A) or (5) by virtue of a notice given by the Regulator under subsection (4)(a), on or after 6th April 2005 in relation to an employer in relation to that section,

they must, except where an assessment period has already begun in relation to that section of the scheme, make an application to the Board for it to assume responsibility for the section under section 128.";

(b) after subsection (1), there were inserted the following subsections—

"(1A) Where the trustees or managers of a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme become aware that an employer in relation to that section—

(a) is unlikely to continue as a going concern, and

(b) the prescribed requirements are met in relation to that employer,

they must give the Board a notice to that effect.

(1B) The notice which must be given to the Board in accordance with subsection (1A) must be in writing and must contain the following information—

(a) a description of the type or purpose of the notice,

(b) the name of the employer in relation to the section of the scheme in respect of which the notice is given,

(c) a statement by the trustees or managers of the section that the employer in respect of which the notice is given is unlikely to continue as a going concern and that the requirements prescribed under subsection (1A)(b) have been met in relation to that employer,

(d) the date on which the trustees or managers of the section became aware that the employer in respect of which the notice is given is unlikely to continue as a going concern, and

(e) the date on which the notice was sent to the Board by the trustees or managers of the scheme.

(1C) Where the trustees or managers of a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme make an application to the Board under subsection (1)(a) or (b), they must as soon as practicable notify that fact to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).";

(c) for subsection (4), there were substituted the following subsection—

"(4) Where, in relation to a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme, the Regulator—

(a) becomes aware that an employer in relation to that section of the scheme—

(i) is unlikely to continue as a going concern, and

(ii) meets the requirements prescribed under subsection (1A)(b), or

(b) is aware that a person is no longer an employer, or that persons are no longer employers, in relation to that section of the scheme at a time when—

(i) all other employers in relation to that section of the scheme have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the section under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), and

(ii) at least one such insolvency event occurred, or at least one such notice was given under subsection (1A) or (5) by virtue of a notice given by the Regulator under subsection (4)(a), on or after 6th April 2005 in relation to an employer in relation to that section of the scheme,

it must, except where an assessment period has already begun in relation to that section of the scheme, give the Board a notice to that effect."; and

(d) after subsection (5), there were inserted the following subsection—

"(5A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (5), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

**Board's duty where application or notification received under section 129**

**18.** Section 130 of the Act (Board's duty where application or notification received under section 129) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where the Board—

(a) receives an application under subsection (1) of section 129 and is satisfied that either paragraph (a) or (b) of that subsection is satisfied in relation to the application, or

(b) is notified by the Regulator under section 129(4)(b).";

(b) in subsection (2), after the words "a scheme rescue is not possible", there were inserted the words "in relation to a multi-employer section of a segregated scheme";

(c) in subsection (3), after the words "a scheme rescue has occurred", there were inserted the words "in relation to that section";

(d) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a notice from the Board under subsection (4), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).";

(e) in subsection (5)—

(i) in paragraph (a), for the words "in relation to an occupational pension scheme", there were substituted the words "in relation to a multi-employer section of a segregated scheme"; and

(ii) in paragraph (b), for the words "in relation to such a scheme", there were substituted the words "in relation to such a section"; and

(f) after subsection (7), there were inserted the following subsection—

"(7A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (7) together with a copy of the binding notice, they must send a copy of the notice and the binding notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

**Protected liabilities**

**19.** Section 131 of the Act (protected liabilities) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, for subsection (1), there were substituted the following subsection—

"(1) For the purposes of this Chapter the protected liabilities, in relation to a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme, at a particular time ("the relevant time") are—

(a) the cost of securing benefits for and in respect of members of the section which correspond to the compensation which would be payable, in relation to the section, in accordance with the pension compensation provisions (see section 162) if the Board assumed responsibility for the section in accordance with this Chapter,

(b) the liabilities of the scheme as a whole which are reasonably attributable to the section and which are not liabilities to, or in respect of, its members, and

(c) the estimated cost of winding up the section.".

**Assessment periods**

**20.** Section 132 of the Act (assessment periods) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in subsection (2)—

(i) for the words "in relation to an eligible scheme", there were substituted the words "in relation to a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme";

(ii) for the words "the employer", there were substituted the words "an employer in relation to that section"; and

(iii) after the words "an assessment period", there were inserted the words "in relation to the section";

(b) in subsection (4), for the words "in relation to an eligible scheme, an application is made under section 129(1) or a notification is received under section 129(5)(a), an assessment period", there were substituted the words "in relation to a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme, an application is made under section 129(1)(a) or (b) or a notification is received under section 129(4)(b), an assessment period in relation to that section of the scheme"; and

(c) in subsection (5), for the words "section 129(5)(a)", there were substituted the words "section 129(4)(b)".

**Directions**

**21.** Section 134 of the Act (directions) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in subsection (2)—

(i) for the words "the scheme's protected liabilities do not exceed its assets", there were substituted the words "the protected liabilities of the section do not exceed its assets"; and

(ii) for the words "in relation to the scheme", there were substituted the words "in relation to the segregated scheme in question"; and

(b) in paragraph (a)(i) of subsection (3), for the words "the trustees or managers" there were substituted the words "any trustees or managers".

**Power to validate contraventions of section 135 and Board to act as creditor of the employer**

**22.**—(1) Section 136 of the Act (power to validate contraventions of section 135) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in paragraph (c) of subsection (2), for the words "in relation to the employer, or if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer, or if there is no such insolvency practitioner, that employer"; and

(b) after subsection (2), there were inserted the following subsection—

"(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a notice from the Board under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(2) Section 137(2) of the Act (Board to act as creditor of the employer) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, for the words "the employer", there were substituted the words "an employer".

**Valuation of assets**

**23.**—(1) Section 143(2) of the Act (Board's obligation to obtain valuation of assets and protected liabilities) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, for the words "the scheme", there were substituted the words "the relevant section of the scheme".

(2) Section 144 of the Act (approval of valuation) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in subsection (1), for the words "obtains a valuation in respect of a scheme", there were substituted the words "obtains a valuation in respect of the relevant section of the scheme";

(b) in paragraph (b)(iii) of subsection (2), for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer"; and

(c) after subsection (2), there were inserted the following subsection—

"(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a valuation from the Board under subsection (2), they must send a copy of that valuation as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(3) Section 145 of the Act (binding valuations) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in subsection (2), for the words "in relation to a scheme", there were substituted the words "in relation to the relevant section of the scheme";

(b) in paragraph (c) of subsection (3), for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer"; and

(c) after subsection (3), there were inserted the following subsection—

"(3A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (3) together with a copy of a binding valuation, they must send a copy of the notice and the binding valuation as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

**Refusal to assume responsibility for a scheme**

**24.**—(1) Section 146 of the Act (schemes which become eligible schemes) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) Regulations may provide that where the Board is satisfied that any multi-employer section of a segregated scheme is not, for the purposes of this Part, an eligible scheme throughout such a period as may be prescribed, the Board must refuse to assume responsibility for that section under this Chapter.";

(b) in subsection (2)—

(i) for the words "a scheme", there were substituted the words "a section of the scheme"; and

(ii) in paragraph (b)(iii), for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer";

(c) after subsection (2), there were inserted the following subsection—

"(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a withdrawal notice from the Board under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).";

(d) in paragraph (c) of subsection (4), for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer"; and

(e) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (4) together with a copy of the binding notice, they must send a copy of the notice and the binding notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(2) Section 147 of the Act (new schemes created to replace existing schemes) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) The Board must refuse to assume responsibility for a new multi-employer section of a segregated scheme ("the new section") under this Chapter where it is satisfied that—

(a) the new section was established during such period as may be prescribed,

(b) an employer in relation to the new section was, at the date of establishment of that section, also the employer in relation to another scheme ("the old scheme") or another section of the scheme ("the old section") established before the new section,

(c) a transfer or transfers of, or a transfer payment or transfer payments in respect of, any rights of members under the old scheme or the old section has or have been made to the new section, and

(d) the main purpose or one of the main purposes of establishing the new section and making the transfer or transfers, or transfer payment or transfer payments, was to enable those members to receive compensation under the pension compensation provisions in respect of their rights under the new section in circumstances where, in the absence of the transfer or transfers, regulations under section 146 would have operated to prevent such payments in respect of their rights under the old scheme or the old section.";

(b) in paragraph (b)(iii) of subsection (2), for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer";

(c) after subsection (2), there were inserted the following subsection—

"(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a withdrawal notice from the Board under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).";

(d) in paragraph (c) of subsection (4), for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer"; and

(e) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (4) together with a copy of the binding notice, they must send a copy of the notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(3) Section 148 of the Act (withdrawal following issue of section 122(4) notice) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in paragraph (c) of subsection (5), for the words "the employer", there were substituted the words "any employer";

(b) after subsection (5), there were inserted the following subsection—

"(5A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a withdrawal notice issued by the Board under this section, they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).";

(c) in paragraph (c) of subsection (7), for the words "the employer", there were substituted the words "any employer"; and

(d) after subsection (7), there were inserted the following subsection—

"(7A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (7) together with a copy of the binding notice, they must send a copy of the notice and the binding notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

**Reconsideration, closed schemes and requirement to wind up schemes with sufficient assets to meet protected liabilities**

**25.**—(1) Section 151(8) of the Act (application for reconsideration) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, in the definition of "protected benefits quotation", for the words from ""protected benefits quotation", in relation to a scheme, means" to the words "from the reconsideration time—", there were substituted the following words—

""protected benefits quotation", in relation to a section of a segregated scheme, means a quotation for one or more annuities from one or more insurers, being companies willing to accept payment in respect of the members of the section from the trustees or managers of the scheme, which would provide in respect of each member of the section from the reconsideration time—".

(2) Section 152 of the Act (duty to assume responsibility following reconsideration) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for subsection (2), there were substituted the following subsection—

"(2) The Board must assume responsibility in accordance with this Chapter for a multi-employer section of a segregated scheme if it is satisfied that the value of the assets of the section at the reconsideration time is less than the aggregate of—

(a) the amount quoted in the protected benefits quotation accompanying the application,

(b) the liabilities of the scheme as a whole at that time which are reasonably attributable to the section and which are not liabilities to, or in respect of, members of the scheme, and

(c) the estimated cost of winding up the section at that time.";

(b) after subsection (3), there were inserted the following subsection—

"(3A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a determination notice from the Board under subsection (3), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different)."; and

(c) after subsection (7), there were inserted the following subsection—

"(7A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (7), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(3) Section 153 of the Act (closed schemes) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in subsections (2) and (5), for the words "a closed scheme", there were substituted the words "a closed section of the scheme"; and

(b) after subsection (6), there were inserted the following subsection—

"(6A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a copy of a determination notice from the Board under subsection (6), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

(4) Section 154 of the Act (requirement to wind up schemes with sufficient assets to meet protected liabilities) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in paragraph (a) of subsection (2), for the words "(scheme rescue not possible but scheme has sufficient assets to meet the protected liabilities)", there were substituted the words "(scheme rescue not possible in relation to a multi-employer section of a segregated scheme but section has sufficient assets to meet the protected liabilities)";

(b) in subsection (6), for the words "a scheme is wound up", there were substituted the words "a multi-employer section of a segregated scheme is wound up";

(c) in subsection (11), for the words "winding up of a scheme", there were substituted the words "winding up of a multi-employer section of a segregated scheme"; and

(d) in subsection (12), for the words "in relation to a scheme", there were substituted the words "in relation to a multi-employer section of a segregated scheme".

(5) Section 155 of the Act (treatment of closed schemes) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, for subsection (1), there were substituted the following subsection—

"(1) In this section "closed scheme" means a multi-employer section of a segregated scheme which is, for the purposes of this Part, an eligible scheme which is authorised under section 153 to continue as a closed section of the scheme.".

(6) Section 157 of the Act (applications and notifications where closed schemes have insufficient assets) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under subsection (4), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different).".

**Transfer notice and assumption of responsibility for a scheme**

**26.**—(1) Section 160 of the Act (transfer notice) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in subsection (1), for the words "required to assume responsibility for a scheme", there were substituted the words "required to assume responsibility for a multi-employer section of a segregated scheme";

(b) after subsection (2), there were inserted the following subsection—

"(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a transfer notice from the Board under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to that section of the scheme and to the trustees or managers of each section of the scheme (if different)."; and

(c) for subsection (6), there were substituted the following subsection—

"(6) The Board must give a copy of the transfer notice given under subsection (2) to—

(a) the Regulator, and

(b) an insolvency practitioner acting in relation to every employer in relation to the section of the scheme in respect of which the transfer notice is given.".

(2) Section 161 of the Act (effect of Board assuming responsibility for a scheme) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) in paragraph (b) of subsection (2), after the word "obligations", there were inserted the words "to or in respect of members of that section"; and

(b) in paragraph (a) of subsection (4), after the words "to or in respect of persons", there were inserted the words "who are or were members of that section".

(3) Schedule 6 to the Act (transfer of property, rights and liabilities to the Board) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, in paragraph 1, for the words "an occupational pension scheme", there were substituted the words "a multi-employer section of a segregated multi-employer scheme".

**The pension compensation provisions**

**27.**—(1) Section 162(1) of the Act (the pension compensation provisions) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if—

(a) for the words "in relation to a scheme", there were substituted the words "in relation to a multi-employer section of a segregated scheme";

(b) in paragraphs (a) and (b), after the word "members", there were added the words "of that section";

(c) in paragraph (c), after the word "payable", there were added the words "to or in respect of members of that section"; and

(d) at the end of paragraph (d), there were added the words "payable to or in respect of members of that section".

(2) Section 163(2) of the Act (adjustments to be made where the Board assumes responsibility for a scheme) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, in paragraph (a), after the words "to any member", there were inserted the words "of that section".

(3) Section 166(1) of the Act (duty to pay scheme benefits unpaid at assessment date etc) shall be modified in its application to a section of a scheme to which regulation 14 applies so that it shall be read as if, for the words "assumes responsibility for a scheme", there were substituted the words "assumes responsibility for a multi-employer section of a segregated scheme".".

(4) For Part 6 (non-segregated schemes: schemes without provision for partial wind up on withdrawal of a participating employer), substitute—

# "PART 6

## NON-SEGREGATED SCHEMES:

### SCHEMES WITHOUT PROVISION FOR PARTIAL WIND UP ON WITHDRAWAL OF A PARTICIPATING EMPLOYER

**Application and effect**

**61.** This regulation applies to a multi-employer scheme which is not divided into two or more sections (a "non-segregated scheme") the rules of which do not provide for the partial winding up of the scheme when an employer in relation to the scheme ceases to participate in the scheme.

**Notification of insolvency events, confirmation of scheme status etc.**

**62.**—(1) Section 120 of the Act (duty to notify insolvency events in respect of employers) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where, in the case of a multi-employer scheme which is not divided into two or more sections (a "non-segregated scheme"), an insolvency event occurs in relation to an employer in relation to the scheme."; and

(b) after subsection (2), there were inserted the following subsection—

"(2A) Where the trustees or managers of a non-segregated scheme receive a notice from an insolvency practitioner under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.".

(2) Section 122 of the Act (insolvency practitioner's duty to issue notices confirming status of the scheme) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where an insolvency event has occurred in relation to any employer in relation to a non-segregated scheme.";

(b) in subsections (2), (3)(a), (4) and (6), for the words "the employer", there were substituted the words "an employer"; and

(c) after subsection (6), there were inserted the following subsection—

"(6A) Where the trustees or managers of a non-segregated scheme receive a notice issued by an insolvency practitioner or a former insolvency practitioner under subsection (6), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.".

(3) Section 123 of the Act (approval of notices issued under section 122) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where the Board receives a notice under section 122(6) ("the section 122 notice") in relation to an employer in relation to a non-segregated scheme at a time when the Board has previously received such a notice in relation to all other employers in relation to that scheme.";

(b) for subsection (2), there were substituted the following subsection—

"(2) The Board must determine whether to approve the section 122 notice received in relation to that employer.";

(c) in paragraph (e) of subsection (4), for the words "in relation to the employer, the employer", there were substituted the words "in relation to an employer, that employer"; and

(d) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a non-segregated scheme receive a copy of a determination notice issued by the Board under subsection (4), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.".

(4) Section 124 of the Act (Board's duty where there is a failure to comply with section 122) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) in subsection (1)—

(i) for the words "This section applies where in relation to an occupational pension scheme", there were substituted the words "This section applies where in relation to a non-segregated scheme"; and

(ii) in paragraphs (a) and (b) of subsection (1), for the words "the employer", there were substituted the words "an employer";

(b) in subsection (4)—

(i) in paragraph (d), for the words "the employer", there were substituted the words "an employer"; and

(ii) in paragraph (e), for the words "in relation to the employer, the employer", there were substituted the words "in relation to an employer, that employer"; and

(c) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice issued by the Board under section 122 by virtue of this section, they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.".

(5) Section 125 of the Act (binding notices confirming status of scheme) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) in subsection (3)—

(i) in paragraph (d), for the words "the employer", there were substituted the words "an employer"; and

(ii) in paragraph (e), for the words "in relation to the employer, the employer", there were substituted the words "in relation to an employer, that employer"; and

(b) after subsection (3), there were inserted the following subsection—

"(3A) Where the trustees or managers of a non-segregated scheme receive a notice from the Board under subsection (3) together with a copy of the binding notice, they must send a copy of the notice and the binding notice as soon as practicable to all the employers in relation to the scheme.".

**Eligible schemes**

**63.**—(1) Section 126(1) of the Act (eligible schemes) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if, for the words "an occupational pension scheme", there were substituted the words "a non-segregated scheme".

(2) Paragraph (1) shall not have effect in relation to sections 174 to 181 of the Act (the levies).

**Duty to assume responsibility for schemes**

**64.**—(1) Section 127 of the Act (duty to assume responsibility for schemes following insolvency event) shall have effect in relation to a scheme to which regulation 61 applies and, for this purpose, shall be modified so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where a qualifying insolvency event has occurred in relation to an employer in relation to a non-segregated scheme."; and

(b) for subsection (3), there were substituted the following subsection—

"(3) For the purposes of this section, an insolvency event ("the current event") in relation to an employer in relation to an eligible scheme is a qualifying insolvency event if—

(a) it occurs—

(i) simultaneously in relation to more than one of the employers in relation to the scheme at a time when those employers are the only employers in relation to the scheme, or

(ii) in relation to an employer in relation to the scheme at a time when all other employers in relation to the scheme have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the section under section 129(1A)(**a**) or a notice given by the Board in respect of them under section 129(5) by virtue of a notice given by the Regulator under section 129(4)(a)(**b**),

(b) it occurs on or after the day appointed under section 126(2), and

(c) it—

(i) is the first insolvency event to occur in relation to that employer on or after that day, or

(ii) does not occur within an assessment period (see section 132) in relation to the scheme which began before the occurrence of the current event.".

(2) Section 128 of the Act (duty to assume responsibility for schemes following application or notification) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if, for subsection (1), there were substituted the following subsection—

"(1) This section applies where, in relation to a non-segregated scheme which is, for the purposes of this Part, an eligible scheme—

(a) the trustees or managers of the scheme make an application under subsection (1)(a) or (b) of section 129(**c**) (a "section 129 application"), or

(b) the Board receives a notice given by the Regulator under subsection (4)(b) of that section.".

---

(**a**) Subsection (1A) of section 129 of the Pensions Act 2004 is inserted by the modification in regulation 65(1)(b) as substituted by these Regulations.

(**b**) Subsection (4) of section 129 of the Pensions Act 2004 is substituted by the modification in regulation 65(1)(c) as substituted by these Regulations.

(**c**) Subsection (1) of section 129 of the Pensions Act 2004 is substituted by the modification in regulation 65(1)(a) as substituted by these Regulations.

**Applications and notifications and Board's duty where application or notification received under section 129**

**65.**—(1) Section 129 of the Act (applications and notifications for the purposes of section 128) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) Where the trustees or managers of a non-segregated scheme which is, for the purposes of this Part, an eligible scheme—

(a) have—

(i) notified the Board in accordance with subsection (1A) that an employer in relation to the scheme is unlikely to continue as a going concern at a time when all other employers in relation to the scheme have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the scheme under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), or

(ii) received a notice given by the Board under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a) in respect of an employer in relation to the scheme at a time when all other employers in relation to the scheme have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the scheme under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), or

(b) are aware that a person is no longer an employer, or that persons are no longer employers, in relation to the scheme at a time when—

(i) all other employers in relation to the scheme have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the scheme under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), and

(ii) at least one such insolvency event occurred, or at least one such notice was given under subsection (1A) or (5) by virtue of a notice given by the Regulator under subsection (4)(a), on or after 6th April 2005 in relation to an employer in relation to that scheme,

they must, except where an assessment period has already begun in relation to that scheme, make an application to the Board for it to assume responsibility for the scheme under section 128."; and

(b) after subsection (1), there were inserted the following subsections—

"(1A) Where the trustees or managers of a non-segregated scheme which is, for the purposes of this Part, an eligible scheme become aware that an employer in relation to the scheme—

(a) is unlikely to continue as a going concern, and

(b) the prescribed requirements are met in relation to that employer,

they must give the Board a notice to that effect.

(1B) The notice which must be given to the Board in accordance with subsection (1A) must be in writing and must contain the following information—

(a) a description of the type or purpose of the notice,

(b) the name of the employer in relation to the scheme in respect of which the notice is given,

(c) a statement by the trustees or managers of the scheme that the employer in respect of which the notice is given is unlikely to continue as a going concern and that the requirements prescribed under subsection (1A)(b) have been met in relation to that employer,

(d) the date on which the trustees or managers of the scheme became aware that the employer in respect of which the notice is given is unlikely to continue as a going concern, and

(e) the date on which the notice was sent to the Board by the trustees or managers of the scheme.

(1C) Where the trustees or managers of a non-segregated scheme which is, for the purposes of this Part, an eligible scheme make an application to the Board under subsection (1)(a) or (b), they must as soon as practicable notify that fact to all the employers in relation to the scheme.";

(c) for subsection (4), there were substituted the following subsection—

"(4) Where, in relation to a non-segregated scheme which is, for the purposes of this Part, an eligible scheme, the Regulator—

(a) becomes aware that an employer in relation to the scheme—

(i) is unlikely to continue as a going concern, and

(ii) meets the requirements prescribed under subsection (1A)(b), or

(b) is aware that a person is no longer an employer, or that persons are no longer employers, in relation to the scheme at a time when—

(i) all other employers in relation to the scheme have either had—

(aa) an insolvency event occur in relation to them and an insolvency practitioner is still required by law to be appointed to act in relation to them, or

(bb) a notice given in respect of them by the trustees or managers of the scheme under subsection (1A) or a notice given by the Board in respect of them under subsection (5) by virtue of a notice given by the Regulator under subsection (4)(a), and

(ii) at least one such insolvency event occurred, or at least one such notice was given under subsection (1A) or (5) by virtue of a notice given by the Regulator under subsection (4)(a), on or after 6th April 2005 in relation to an employer in relation to that scheme,

it must, except where an assessment period has already begun in relation to the scheme, give the Board a notice to that effect."; and

(d) after subsection (5), there were inserted the following subsection—

"(5A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice from the Board under subsection (5), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.".

(2) Section 130 of the Act (Board's duty where application or notification received under section 129) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) for subsection (1), there were substituted the following subsection—

"(1) This section applies where the Board—

(a) receives an application under subsection (1) of section 129 and is satisfied that either paragraph (a) or (b) of that subsection is satisfied in relation to the application, or

(b) is notified by the Regulator under section 129(4)(b).";

(b) after subsection (4), there were inserted the following subsection—

"(4A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice from the Board under subsection (4), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme."; and

(c) after subsection (7), there were inserted the following subsection—

"(7A) Where the trustees or managers of a non-segregated scheme receive a notice from the Board under subsection (7) together with a copy of the binding notice, they must send a copy of the notice and the binding notice as soon as practicable to all the employers in relation to the scheme.".

**Assessment periods**

**66.** Section 132 of the Act (assessment periods) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) in subsection (2)—

(i) for the words "in relation to an eligible scheme", there were substituted the words "in relation to a non-segregated scheme which is, for the purposes of this Part, an eligible scheme";

(ii) for the words "the employer,", there were substituted the words "an employer in relation to the scheme"; and

(iii) after the words "an assessment period", there were inserted the words "in relation to the scheme";

(b) in subsection (4), for the words "in relation to an eligible scheme, an application is made under section 129(1) or a notification is received under section 129(5)(a), an assessment period", there were substituted the words "in relation to a non-segregated scheme which is, for the purposes of this Part, an eligible scheme, an application is made under section 129(1)(a) or (b) or a notification is received under section 129(4)(b), an assessment period in relation to the scheme"; and

(c) in subsection (5), for the words "section 129(5)(a)", there were substituted the words "section 129(4)(b)".

**Power to validate contraventions of section 135 and Board to act as creditor of the employer**

**67.**—(1) Section 136(2)(c) of the Act (power to validate contraventions of section 135) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if, for the words "in relation to the employer, or if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer".

(2) Section 137(2) of the Act (Board to act as creditor of the employer) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if, for the words "the employer", there were substituted the words "an employer".

**Valuation of assets**

**68.** Sections 144(2)(b)(iii) (approval of valuation) and 145(3)(c) (binding valuations) of the Act shall be modified in their application to a scheme to which regulation 61 applies so that they shall be read as if, for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer".

**Refusal to assume responsibility**

**69.**—(1) The provisions of the Act specified in paragraph (2) shall be modified in their application to a scheme to which regulation 61 applies so that they shall be read as if, for the words "in relation to the employer or, if there is no such insolvency practitioner, the employer", there were substituted the words "in relation to an employer or, if there is no such insolvency practitioner, that employer".

(2) The provisions specified in this paragraph are—

(a) section 146(2)(b)(iii) and (4)(c) (schemes which become eligible schemes); and

(b) section 147(2)(b)(iii) and (4)(c) (new schemes created to replace existing schemes).

(3) Section 148(5)(c) and (7)(c) of the Act (withdrawal following issue of section 122(4) notice) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if, for the words "the employer", there were substituted the words "any employer".

**Transfer notice and the pension compensation provisions**

**70.**—(1) Section 160 of the Act (transfer notice) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) in subsection (1), for the words "where the Board is required to assume responsibility for a scheme", there were substituted the words "where the Board is required to assume responsibility for a non-segregated scheme";

(b) after subsection (2), there were inserted the following subsection—

"(2A) Where the trustees or managers of a non-segregated scheme receive a transfer notice from the Board under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme."; and

(c) for subsection (6), there were substituted the following subsection—

"(6) The Board must give a copy of the transfer notice given under subsection (2) to—

(a) the Regulator, and

(b) an insolvency practitioner acting in relation to every employer in relation to the scheme in respect of which the transfer notice is given.".

(2) Schedule 6 to the Act (transfer of property, rights and liabilities to the Board) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if, in paragraph 1, for the words "an occupational pension scheme", there were substituted the words "a non-segregated multi-employer scheme".

(3) Schedule 7 to the Act (pension compensation provisions) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if, in paragraph 1, for the words "an eligible scheme", there were substituted the words "a non-

segregated multi-employer scheme which is, for the purposes of Part 2, an eligible scheme".
".

**Amendment of the Notifiable Events Regulations**

**11.**—(1) The Notifiable Events Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (c) of regulation 2(1) (notifiable events), after "another scheme", insert ", or where the trustees or managers are required to make or accept a transfer payment without such a decision having been taken, the making or acceptance of that payment,".

(3) In sub-paragraph (e) of regulation 2(1), after "to a member", insert ", or where the trustees or managers are required to grant benefits or a right to benefits without such a decision having been taken, the granting of those benefits or that right,".

(4) In sub-paragraph (b) of regulation 2(2), after "United Kingdom", add ", or where the employer ceases to carry on business in the United Kingdom without such a decision having been taken, the cessation of business in the United Kingdom by that employer".

(5) In sub-paragraph (f) of regulation 2(2), after "employer company", add ", or where the controlling company relinquishes such control without a decision to do so having been taken, the relinquishing of control of the employer company by that controlling company".

**Amendment of the Provision of Information Regulations**

**12.**—(1) The Provision of Information Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) of regulation 2, at the end of the definition of "review decision", omit "and".

(3) In paragraph 1(1) of Schedule 2 (information to be provided by trustees or managers), omit the definition of "assessment date".

**Amendment of the Review and Reconsideration Regulations**

**13.**—(1) The Review and Reconsideration Regulations shall be amended in accordance with the provisions of this regulation.

(2) In the table in the Schedule (interested person), after paragraph 7, insert—

| | |
|---|---|
| **"7A.** Paragraph 7A(**a**) | 7A. The member in respect of whom a determination under section 141(2) is made" |

**Revocations**

**14.** Paragraphs (2), (4) and (7) of regulation 5 of the Occupational Pension Schemes and Pension Protection Fund (Amendment) Regulations 2005(**b**) (amendment of the Multi-employer Regulations) are revoked.

Signed by authority of the Secretary of State for Work and Pensions.

*Stephen C. Timms*
Minister of State,
28th July 2005 Department for Work and Pensions

(**a**) Paragraph 7A is inserted by regulation 3 of these Regulations.
(**b**) S.I. 2005/993.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Pensions Act 2004 (c.35) ("the Act"), the Pension Protection Fund (Compensation) Regulations 2005 (S.I. 2005/670) ("the Compensation Regulations"), the Pension Protection Fund (Entry Rules) Regulations 2005 (S.I. 2005/590) ("the Entry Rules Regulations"), the Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations 2005 (S.I. 2005/441) ("the Multi-employer Regulations"), the Pensions Regulator (Notifiable Events) Regulations 2005 (S.I. 2005/900) ("the Notifiable Events Regulations"), the Pension Protection Fund (Provision of Information) Regulations 2005 (S.I. 2005/674) ("the Provision of Information Regulations"), the Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005 (S.I. 2005/669) ("the Review and Reconsideration Regulations") and the Pension Protection Fund (Valuation) Regulations 2005 (S.I. 2005/672) ("the Valuation Regulations").

Regulation 2 amends section 10 of, and Schedule 2 to, the Act by adding the power to extend or further extend prescribed periods under sections 58(6) and 60(3) of the Pensions Act 1995 (c.26) ("the 1995 Act") to the list of reserved regulatory functions listed in Schedule 2 to the Act. The amendments reserve the exercise of those powers to the Determinations Panel in the circumstances mentioned in section 10(2) of the Act.

Regulation 3 amends Schedule 9 to the Act by adding a determination made by the Board under section 141(2) of the Act to the reviewable matters prescribed in that Schedule.

Regulation 4 inserts a definition of "assessment date" into the Compensation Regulations, the Entry Rules Regulations, the Multi-employer Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 5 substitutes a new definition of "employer", where certain occupational pension schemes have no active members, into the Compensation Regulations, the Entry Rules Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 6 substitutes a new definition of "employer", in relation to a multi-employer scheme or a section of a multi-employer scheme, into the Compensation Regulations, the Entry Rules Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 7 inserts a definition of "non-segregated scheme" into the Compensation Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 8 inserts a definition of "segregated scheme" into the Compensation Regulations, the Provision of Information Regulations, the Review and Reconsideration Regulations and the Valuation Regulations.

Regulation 9 extends the Compensation Regulations to civil partners. It provides that—

> a civil partner will be entitled to receive a survivor's pension where the admissible rules of the scheme allow for such a payment to be made. It also makes amendments that provide for the amount of such compensation both where there are dependants of the civil partnership and where there are not;
>
> where a member has nominated a relevant partner to receive a survivor's pension under the admissible rules of the scheme, a surviving spouse or civil partner shall not be entitled to compensation;
>
> where a surviving spouse or civil partner is entitled to compensation and there is no nomination in place in favour of a relevant partner, the relevant partner shall not be entitled to compensation;

the maximum age at which dependant's compensation can be paid is reduced from 25 to 23, although a person entitled to dependant's compensation prior to 6th April 2006 will continue to receive such compensation until the age of 25.

Regulation 10 amends the Multi-employer Regulations. In particular—

paragraph (2) substitutes the definitions of "employer" in relation to an occupational pension scheme with no active members and a multi-employer scheme or a section of a multi-employer scheme;

paragraph (3) substitutes Part 3, which modifies Part 2 of the Act as it applies to a section of a segregated scheme with at least two employers in relation to that section. The substituted Part 3 broadens the circumstances in which an application can be made to the Board of the Pension Protection Fund ("the Board") under section 129(1) of the Act for it to assume responsibility for a section of a scheme to which Part 3 applies; and

paragraph (4) substitutes Part 6, which modifies Part 2 of the Act as it applies to certain multi-employer schemes which are not divided into two or more sections in specified circumstances. The substituted Part 6 broadens the circumstances in which an application can be made to the Board under section 129(1) of the Act for it to assume responsibility for a scheme to which Part 6 applies.

Regulation 11 amends the Notifiable Events Regulations, so that certain events which involved the taking of a decision about a certain action are now expanded to include a requirement to notify the Pensions Regulator when the action itself occurs in circumstances where a decision about that action was not required to be taken.

Regulation 12 amends regulation 2 of the Provision of Information Regulations to correct a typographical error and makes a further consequential amendment to omit the definition of "assessment date" in paragraph 1(1) of Schedule 2 to those Regulations.

Regulation 13 amends the Review and Reconsideration Regulations by prescribing the interested person in relation to the reviewable matter specified in paragraph 7A of Schedule 9 to the Act as inserted by regulation 3 of these Regulations.

Regulation 14 revokes paragraphs (2), (4) and (7) of regulation 5 of the Occupational Pension Schemes and Pension Protection Fund (Amendment) Regulations 2005 (S.I. 2005/993) as a consequence of the amendment of the Multi-employer Regulations by regulation 11 of these Regulations.

As these Regulations are made before the expiry of the period of six months beginning with the coming into force of the provisions of the Act by virtue of which they are made, the requirement for the Secretary of State to consult such persons as he considers appropriate does not apply.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.