
STATUTORY INSTRUMENTS

2005 No. 2184

The Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005

Non-segregated schemes: schemes without provision for partial wind up on withdrawal of participating employer

18.—(1) This paragraph 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.

(2) The fraud compensation provisions shall be modified in their application to a non-segregated scheme to which paragraph (1) applies so that they shall be read as if—

- (a) references to “an occupational pension scheme” were to “a non-segregated scheme”;
- (b) for paragraph (a) of section 182(2) there were substituted—
 - “(a) a qualifying insolvency event has occurred in relation to an employer in relation to the non-segregated scheme.”;
- (c) in section 182(2)(b) for “in relation to the scheme” there were substituted “ in relation to the non-segregated scheme ”;
- (d) in section 182(2)(c)(i) for “the insolvency event” there were substituted “ the first insolvency event in relation to the scheme ”;
- (e) in section 182(2)(c)(ii) after “under section 122(2)(a)” there were inserted “ and that notice has become binding ”;
- (f) in section 182(3)(b) for “in relation to the scheme” there were substituted “ in relation to the non-segregated scheme ”;
- (g) for paragraph (b) of section 182(4) there were substituted—
 - “(b) in relation the non-segregated scheme—
 - (i) an employer is unlikely to continue as a going concern at a time when all other employers in relation to the scheme—
 - (aa) have had 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) are unlikely to continue as a going concern; or
 - (ii) a person, or persons, are no longer an employer in relation to the scheme at a time when all other employers in relation to the scheme—
 - (aa) have had 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) are unlikely to continue as a going concern, and

- at least one insolvency event occurred on or after 6th April 2005 or at least one employer was unlikely to continue as a going concern, on or after that date.”;
- (h) in section 182(4)(c) for “the employer” there were substituted “ those employers who are unlikely to continue as a going concern ”;
 - (i) after paragraph (a) of section 182(8) there were inserted—
 - “(aa) 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 scheme under section 129(1A), as modified by Part 6 of the Multi-Employer Regulations, 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), and”;
 - (j) in section 183(1) after “of section 182 apply” there were inserted “ to the non-segregated scheme ”;
 - (k) in sections 183(3)(d) and 185(5)(d) for “the employer” in each place where it occurs there were substituted “ each employer ”.

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Fraud Compensation Payments and Miscellaneous Amendments) Regulations 2005, Section 18.