
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 357

The Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2005

Amendment of the Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations

3.—(1) The Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations (Northern Ireland) 2005⁽¹⁾ shall be amended in accordance with paragraphs (2) to (4).

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

(a) in paragraph (2) after the definition of “the Order” there shall be inserted the following definitions—

““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;

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

(b) for paragraph (3)(2) there shall be substituted the following paragraph—

“(3) In the application of Part III of the Order, the definition of “multi-employer scheme” in Article 280(4) 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 Article 75 of the 1995 Order⁽³⁾ 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;

(1) [S.R. 2005 No. 91](#); relevant amending regulations are [S.R. 2005 No. 194](#)

(2) Paragraph (3) was amended by regulation 2(2) of [S.R. 2005 No. 194](#)

(3) Article 75 was amended by Article 248 of the Pensions (Northern Ireland) Order 2005

- (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 Article 75 of the 1995 Order 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 III (segregated schemes: multi-employer sections without requirement for partial wind up on withdrawal of participating employer) there shall be substituted the following Part—

“PART III

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

- (b) references in Part III of the Order, 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 Article 157 (initial levy).

Notification of insolvency events, confirmation of scheme status etc.

15.—(1) Article 104 (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 paragraph (1) there were substituted the following paragraph—

“(1) This Article 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 paragraph (2) there were inserted the following paragraph—

“(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from an insolvency practitioner under paragraph (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) Article 106 (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 paragraph (1) there were substituted the following paragraph—

“(1) This Article 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 paragraph (2)—
 - (i) for “the employer” there were substituted “an employer”;
 - (ii) in sub-paragraph (a) after “a scheme rescue is not possible” there were inserted “in relation to the relevant section of the scheme”, and
 - (iii) in sub-paragraph (b) after “a scheme rescue has occurred” there were inserted “in relation to the relevant section of the scheme”;
- (c) in paragraph (3)(a) for “the employer” there were substituted “an employer”;
- (d) in paragraph (4)—
 - (i) for “the employer” there were substituted “an employer”, and
 - (ii) for “in relation to the scheme” there were substituted “in relation to the section”;
- (e) in paragraph (5)—

- (i) in sub-paragraph (a) for “in relation to an occupational pension scheme” there were substituted “in relation to a multi-employer section of a segregated scheme”, and
 - (ii) in sub-paragraph (b) for “in relation to such a scheme” there were substituted “in relation to such a section”;
 - (f) in paragraph (6) for “the employer” there were substituted “an employer”; and
 - (g) after paragraph (6) there were inserted the following paragraph—
 - “(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 paragraph (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) Article 107 (approval of notices issued under Article 106) 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 paragraph (1) there were substituted the following paragraph—
 - “(1) This Article applies where the Board receives a notice under Article 106(6) (“the Article 106 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 paragraph (2) there were substituted the following paragraph—
 - “(2) The Board must determine whether to approve the Article 106 notice received in relation to that employer.”; and
 - (c) after paragraph (4) there were inserted the following paragraph—
 - “(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 paragraph (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) Article 108 (Board’s duty where there is a failure to comply with Article 106) 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 (1)—
 - (i) for “This Article applies where in relation to an occupational pension scheme” there were substituted “This Article applies where in relation to a multi-employer section of a segregated scheme”, and
 - (ii) in sub-paragraphs (a) and (b) for “the employer” there were substituted “an employer”;
 - (b) in paragraph (4)—
 - (i) in sub-paragraph (d) for “the employer” there were substituted “an employer”, and
 - (ii) in sub-paragraph (e) for “in relation to the employer, the employer” there were substituted “in relation to an employer, that employer”;
 - (c) after paragraph (4) there were inserted the following paragraph—
 - “(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 Article 106 by virtue of this Article, 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) Article 109 (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 paragraph (3) there were inserted the following paragraph—

“(3A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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 III of the Order, 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 Article 110(1)(b).

(2) Paragraph (1) shall not apply for the purposes of Articles 157 to 164 (the levies).

Duty to assume responsibility for schemes

17.—(1) Article 111 (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 paragraph (1) there were substituted the following paragraph—

“(1) This Article 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 paragraph (3) there were substituted the following paragraph—

“(3) For the purposes of this Article, 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 Article 113(1A) or a notice given by

the Board in respect of them under Article 113(5) by virtue of a notice given by the Regulator under Article 113(4)(a),

- (b) it occurs on or after the day appointed under Article 110(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 Article 116) in relation to the section which began before the occurrence of the current event.”.

(2) Article 112 (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 paragraph (1) there were substituted the following paragraph—

“(1) This Article 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 paragraph (1)(a) or (b) of Article 113 (“an Article 113 application”), or
- (b) the Board receives a notice given by the Regulator under paragraph (4)(b) of that Article.”.

(3) Article 113 (applications and notifications for the purposes of Article 112) 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 paragraph (1) there were substituted the following paragraph—

“(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 paragraph (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—
 - (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 paragraph (1A) or a notice given by the Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (4)(a), or
 - (ii) received a notice given by the Board under paragraph (5) by virtue of a notice given by the Regulator under paragraph (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 paragraph (1A) or a notice given by the

- Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (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 paragraph (1A) or a notice given by the Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (4)(a), and
 - (ii) at least one such insolvency event occurred, or at least one such notice was given under paragraph (1A) or (5) by virtue of a notice given by the Regulator under paragraph (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 Article 112.”;
 - (b) after paragraph (1) there were inserted the following paragraphs—
 - “(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 paragraph (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 paragraph (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 paragraph (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 paragraph (4) there were substituted the following paragraph—

“(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 paragraph (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 paragraph (1A) or a notice given by the Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (4)(a), and

(ii) at least one such insolvency event occurred, or at least one such notice was given under paragraph (1A) or (5) by virtue of a notice given by the Regulator under paragraph (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 paragraph (5) there were inserted the following paragraph—

“(5A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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 Article 113

18. Article 114 (Board’s duty where application or notification received under Article 113) 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 paragraph (1) there were substituted the following paragraph—

“(1) This Article applies where the Board—

(a) receives an application under paragraph (1) of Article 113 and is satisfied that either sub-paragraph (a) or (b) of that paragraph is satisfied in relation to the application, or

(b) is notified by the Regulator under Article 113(4)(b).”;

(b) in paragraph (2) after “a scheme rescue is not possible” there were inserted “in relation to a multi-employer section of a segregated scheme”;

(c) in paragraph (3) after “a scheme rescue has occurred” there were inserted “in relation to that section”;

(d) after paragraph (4) there were inserted the following paragraph—

“(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 paragraph (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 paragraph (5)—

(i) in sub-paragraph (a) for “in relation to an occupational pension scheme” there were substituted “in relation to a multi-employer section of a segregated scheme”, and

(ii) in sub-paragraph (b) for “in relation to such a scheme” there were substituted “in relation to such a section”; and

(f) after paragraph (7) there were inserted the following paragraph—

“(7A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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. Article 115 (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 paragraph (1) there were substituted the following paragraph—

“(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 Article 146) 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. Article 116 (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 paragraph (2)—

(i) for “in relation to an eligible scheme” there were substituted “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 employer” there were substituted “an employer in relation to that section”, and

(iii) after “an assessment period” there were inserted “in relation to the section”;

(b) in paragraph (4) for “in relation to an eligible scheme, an application is made under Article 113(1) or a notification is received under Article 113(5)(a), an

- assessment period” there were substituted “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 Article 113(1)(a) or (b) or a notification is received under Article 113(4)(b), an assessment period in relation to that section of the scheme”; and
- (c) in paragraph (5) for “paragraph 113(5)(a)” there were substituted “paragraph 113(4)(b)”.

Directions

21. Article 118 (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 paragraph (2)—
- (i) for “the scheme’s protected liabilities do not exceed its assets” there were substituted “the protected liabilities of the section do not exceed its assets”, and
 - (ii) for “in relation to the scheme” there were substituted “in relation to the segregated scheme in question”; and
- (b) in paragraph (3)(a)(i) for “the trustees or managers” there were substituted “any trustees or managers”.

Power to validate contraventions of Article 119 and Board to act as creditor of the employer

22.—(1) Article 120 (power to validate contraventions of Article 119) 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 (2)(c) for “in relation to the employer, or if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer, or if there is no such insolvency practitioner, that employer”; and
- (b) after paragraph (2) there were inserted the following paragraph—
- “(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 paragraph (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) Article 121(2) (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 employer” there were substituted “an employer”.

Valuation of assets

23.—(1) Article 127 (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 scheme” there were substituted “the relevant section of the scheme”.

(2) Article 128 (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 paragraph (1) for “obtains a valuation in respect of a scheme” there were substituted “obtains a valuation in respect of the relevant section of the scheme”;

- (b) in paragraph (2)(b)(iii) for “in relation to the employer or, if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”; and
 - (c) after paragraph (2) there were inserted the following paragraph—
 - “(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 paragraph (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) Article 129 (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 paragraph (2) for “in relation to a scheme” there were substituted “in relation to the relevant section of the scheme”;
 - (b) in paragraph (3)(c) for “in relation to the employer or, if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”; and
 - (c) after paragraph (3) there were inserted the following paragraph—
 - “(3A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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) Article 130 (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 paragraph (1) there were substituted the following paragraph—
 - “(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 paragraph (2)—
 - (i) for “a scheme” there were substituted “a section of the scheme”, and
 - (ii) in sub-paragraph (b)(iii) for “in relation to the employer or, if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”;
 - (c) after paragraph (2) there were inserted the following paragraph—
 - “(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 paragraph (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 (4)(c) for “in relation to the employer or, if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”; and
 - (e) after paragraph (4) there were inserted the following paragraph—

“(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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) Article 131 (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 paragraph (1) there were substituted the following paragraph—

“(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 Article 130 would have operated to prevent such payments in respect of their rights under the old scheme or the old section.”;

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

(c) after paragraph (2) there were inserted the following paragraph—

“(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 paragraph (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 (4)(c) for “in relation to the employer or, if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”; and

(e) after paragraph (4) there were inserted the following paragraph—

“(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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) Article 132 (withdrawal following issue of Article 106(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 (5)(c) for “the employer” there were substituted “any employer”;
- (b) after paragraph (5) there were inserted the following paragraph—
 - “(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 (7)(c) for “the employer” there were substituted “any employer”; and
- (d) after paragraph (7) there were inserted the following paragraph—
 - “(7A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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) Article 135(8) (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 “from the reconsideration time—” there were substituted—

““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) Article 136 (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 paragraph (2) there were substituted the following paragraph—
 - “(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 paragraph (3) there were inserted the following paragraph—
 - “(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 paragraph (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).”;
- (c) after paragraph (7) there were inserted the following paragraph—

“(7A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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) Article 137 (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 paragraphs (2) and (5) for “a closed scheme” there were substituted “a closed section of the scheme”; and
- (b) after paragraph (6) there were inserted the following paragraph—

“(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 paragraph (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) Article 138 (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 (2)(a) for “(scheme rescue not possible but scheme has sufficient assets to meet the protected liabilities)” there were substituted “(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 paragraph (6) for “a scheme is wound up” there were substituted “a multi-employer section of a segregated scheme is wound up”;
- (c) in paragraph (11) for “winding up of a scheme” there were substituted “winding up of a multi-employer section of a segregated scheme”; and
- (d) in paragraph (12) for “in relation to a scheme” there were substituted “in relation to a multi-employer section of a segregated scheme”.

(5) Article 139 (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 paragraph (1) there were substituted the following paragraph—

“(1) In this Article “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 Article 137 to continue as a closed section of the scheme.”.

(6) Article 141 (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 paragraph (4) there were inserted the following paragraph—

“(4A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a notice from the Board under paragraph (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) Article 144 (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 paragraph (1) for “required to assume responsibility for a scheme” there were substituted “required to assume responsibility for a multi-employer section of a segregated scheme”;
 - (b) after paragraph (2) there were inserted the following paragraph—
 - “(2A) Where the trustees or managers of a multi-employer section of a segregated scheme receive a transfer notice from the Board under paragraph (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 paragraph (6) there were substituted the following paragraph—
 - “(6) The Board must give a copy of the transfer notice given under paragraph (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) Article 145 (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 (2)(b) after “obligations” there were inserted “to or in respect of members of that section”; and
 - (b) in paragraph (4)(a) after “to or in respect of persons” there were inserted “who are or were members of that section”.
- (3) Schedule 5 to the Order (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 “an occupational pension scheme” there were substituted “a multi-employer section of a segregated multi-employer scheme”.

The pension compensation provisions

- 27.**—(1) Article 146(1) (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 “in relation to a scheme” there were substituted “in relation to a multi-employer section of a segregated scheme”;
 - (b) in sub-paragraphs (a) and (b) after “members” there were inserted “of that section”;
 - (c) in sub-paragraph (c) after “payable” there were inserted “to or in respect of members of that section”; and
 - (d) in sub-paragraph (d) at the end there were added “payable to or in respect of members of that section”.
- (2) Article 147(2) (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 sub-paragraph (a) after “to any member” there were inserted “of that section”.
- (3) Article 150(1) (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 “assumes responsibility for a scheme” there were substituted “assumes responsibility for a multi-employer section of a segregated scheme”.

(4) For Part VI (non-segregated schemes: schemes without provision for partial wind up on withdrawal of a participating employer) there shall be substituted the following Part—

“PART VI

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) Article 104 (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 paragraph (1) there were substituted the following paragraph—

“(1) This Article 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 paragraph (2) there were inserted the following paragraph—

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

(2) Article 106 (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 paragraph (1) there were substituted the following paragraph—

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

(b) in paragraphs (2), (3)(a), (4) and (6) for “the employer” there were substituted “an employer”; and

(c) after paragraph (6) there were inserted the following paragraph—

“(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 paragraph (6), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”.

(3) Article 107 (approval of notices issued under Article 106) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

(a) for paragraph (1) there were substituted the following paragraph—

“(1) This Article applies where the Board receives a notice under Article 106(6) (“the Article 106 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 paragraph (2) there were substituted the following paragraph—
 - “(2) The Board must determine whether to approve the Article 106 notice received in relation to that employer.”;
- (c) in paragraph (4)(e) for “in relation to the employer, the employer” there were substituted “in relation to an employer, that employer”; and
- (d) after paragraph (4) there were inserted the following paragraph—
 - “(4A) Where the trustees or managers of a non-segregated scheme receive a copy of a determination notice issued by the Board under paragraph (4), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”.

(4) Article 108 (Board’s duty where there is a failure to comply with Article 106) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

- (a) in paragraph (1)—
 - (i) for “This Article applies where in relation to an occupational pension scheme” there were substituted “This Article applies where in relation to a non-segregated scheme”, and
 - (ii) in sub-paragraphs (a) and (b) for “the employer” there were substituted “an employer”;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (d) for “the employer” there were substituted “an employer”, and
 - (ii) in sub-paragraph (e) for “in relation to the employer, the employer” there were substituted “in relation to an employer, that employer”; and
- (c) after paragraph (4) there were inserted the following paragraph—
 - “(4A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice issued by the Board under Article 106 by virtue of this Article, they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”.

(5) Article 109 (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 paragraph (3)—
 - (i) in sub-paragraph (d) for “the employer” there were substituted “an employer”, and
 - (ii) in sub-paragraph (e) for “in relation to the employer, the employer” there were substituted “in relation to an employer, that employer”; and
- (b) after paragraph (3) there were inserted the following paragraph—
 - “(3A) Where the trustees or managers of a non-segregated scheme receive a notice from the Board under paragraph (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) Article 110(1) (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 “an occupational pension scheme” there were substituted “a non-segregated scheme”.

(2) Paragraph (1) shall not have effect in relation to Articles 157 to 164 (the levies).

Duty to assume responsibility for schemes

64.—(1) Article 111 (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 paragraph (1) there were substituted the following paragraph—

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

(b) for paragraph (3) there were substituted the following paragraph—

“(3) For the purposes of this Article, 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 Article 113(1A) or a notice given by the Board in respect of them under Article 113(5) by virtue of a notice given by the Regulator under Article 113(4)(a),

(b) it occurs on or after the day appointed under Article 110(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 Article 116) in relation to the scheme which began before the occurrence of the current event.”.

(2) Article 112 (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 paragraph (1) there were substituted the following paragraph—

“(1) This Article 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 paragraph (1)(a) or (b) of Article 113 (“an Article 113 application”), or

(b) the Board receives a notice given by the Regulator under paragraph (4)(b) of that Article.”.

Applications and notifications and Board's duty where application or notification received under Article 113

65.—(1) Article 113 (applications and notifications for the purposes of Article 112) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—

- (a) for paragraph (1) there were substituted the following paragraph—
 - “(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 paragraph (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 paragraph (1A) or a notice given by the Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (4)(a), or
 - (ii) received a notice given by the Board under paragraph (5) by virtue of a notice given by the Regulator under paragraph (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 paragraph (1A) or a notice given by the Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (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 paragraph (1A) or a notice given by the Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (4)(a), and
 - (ii) at least one such insolvency event occurred, or at least one such notice was given under paragraph (1A) or (5) by virtue of a notice given by the Regulator under paragraph (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 Article 112.”; and

- (b) after paragraph (1) there were inserted the following paragraphs—

“(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 paragraph (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 paragraph (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 paragraph (1)(a) or (b), they must as soon as practicable notify that fact to all the employers in relation to the scheme.”;

- (c) for paragraph (4) there were substituted the following paragraph—

“(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 paragraph (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 paragraph (1A) or a notice given by the Board in respect of them under paragraph (5) by virtue of a notice given by the Regulator under paragraph (4)(a), and

- (ii) at least one such insolvency event occurred, or at least one such notice was given under paragraph (1A) or (5) by virtue of a notice given by the Regulator under paragraph (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 paragraph (5) there were inserted the following paragraph—
 - “(5A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice from the Board under paragraph (5), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”.
- (2) Article 114 (Board’s duty where application or notification received under Article 113) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if—
 - (a) for paragraph (1) there were substituted the following paragraph—
 - “(1) This Article applies where the Board—
 - (a) receives an application under paragraph (1) of Article 113 and is satisfied that either sub-paragraph (a) or (b) of that paragraph is satisfied in relation to the application, or
 - (b) is notified by the Regulator under Article 113(4)(b).”;
 - (b) after paragraph (4) there were inserted the following paragraph—
 - “(4A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice from the Board under paragraph (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 paragraph (7) there were inserted the following paragraph—
 - “(7A) Where the trustees or managers of a non-segregated scheme receive a notice from the Board under paragraph (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.** Article 116 (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 paragraph (2)—
 - (i) for “in relation to an eligible scheme” there were substituted “in relation to a non-segregated scheme which is, for the purposes of this Part, an eligible scheme”;
 - (ii) for “the employer,” there were substituted “an employer in relation to the scheme”, and
 - (iii) after “an assessment period” there were inserted “in relation to the scheme”;
 - (b) in paragraph (4) for “in relation to an eligible scheme, an application is made under Article 113(1) or a notification is received under Article 113(5)(a), an assessment period” there were substituted “in relation to a non-segregated scheme which is, for the purposes of this Part, an eligible scheme, an application is made under Article 113(1)(a) or (b) or a notification is received under Article 113(4)(b), an assessment period in relation to the scheme”; and

- (c) in paragraph (5) for “paragraph 113(5)(a)” there were substituted “paragraph 113(4)(b)”.

Power to validate contraventions of Article 119 and Board to act as creditor of the employer

67.—(1) Article 120(2)(c) (power to validate contraventions of Article 119) shall be modified in its application to a scheme to which regulation 61 applies so that it shall be read as if for “in relation to the employer, or if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”.

(2) Article 121(2) (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 employer” there were substituted “an employer”.

Valuation of assets

68. Articles 128(2)(b)(iii) (approval of valuation) and 129(3)(c) (binding valuations) shall be modified in their application to a scheme to which regulation 61 applies so that they shall be read as if for “in relation to the employer or, if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”.

Refusal to assume responsibility

69.—(1) Articles 130(2)(b)(iii) and (4)(c) (schemes which become eligible schemes) and 131(2)(b)(iii) and (4)(c) (new schemes created to replace existing schemes) shall be modified in their application to a scheme to which regulation 61 applies so that they shall be read as if for “in relation to the employer or, if there is no such insolvency practitioner, the employer” there were substituted “in relation to an employer or, if there is no such insolvency practitioner, that employer”.

(2) Article 132(5)(c) and (7)(c) (withdrawal following issue of Article 106(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 employer” there were substituted “any employer”.

Transfer notice and the pension compensation provisions

70.—(1) Article 144 (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 paragraph (1) for “where the Board is required to assume responsibility for a scheme” there were substituted “where the Board is required to assume responsibility for a non-segregated scheme”;
- (b) after paragraph (2) there were inserted the following paragraph—

“(2A) Where the trustees or managers of a non-segregated scheme receive a transfer notice from the Board under paragraph (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 paragraph (6) there were substituted the following paragraph—

“(6) The Board must give a copy of the transfer notice given under paragraph (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 5 to the Order (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 “an occupational pension scheme” there were substituted “a non-segregated multi-employer scheme”.

(3) Schedule 6 to the Order (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 “an eligible scheme” there were substituted “a non-segregated multi-employer scheme which is, for the purposes of Part III, an eligible scheme”.”.