
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 357

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

Amendment of the Pension Protection Fund (Entry Rules) Regulations

4. In regulation 1 of the Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005⁽¹⁾ (citation, commencement and interpretation)—

(a) in paragraph (2) after the definition of “the FSMA 2000” there shall be inserted the following definition—

““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;”;

(b) for paragraphs (3) and (4) there shall be substituted the following paragraphs—

“(3) In Part III of the Order 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) 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 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;

⁽¹⁾ S.R. 2005 No. 126, to which there are amendments not relevant to these regulations

- (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 Article 75 of the 1995 Order 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.”.