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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 357**

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

**Amendment of the Pension Protection Fund (Valuation) Regulations**

**6.** In regulation 1(2) of the Pension Protection Fund (Valuation) Regulations (Northern Ireland) 2005<sup>(1)</sup> (interpretation)—

- (a) after the definition of “appropriate person” 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 the definitions of “employer” in relation to an occupational pension scheme which has no active members and in relation to a multi-employer scheme or a section of a multi-employer scheme there shall be substituted the following definitions—

““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;

“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 an Article 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 an Article 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.”;
- (c) after the definition of “financial support direction” there shall be inserted the following definition—
  - ““non-segregated scheme” means a multi-employer scheme which is not a segregated scheme;”;
- (d) the word “and” after the definition of “restoration order” shall be omitted; and
- (e) after the definition of “restricted information” there shall be added the following definition—
  - ““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.”.