
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 381

**The Occupational Pension Schemes (Fraud
Compensation Payments and Miscellaneous
Amendments) Regulations (Northern Ireland) 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) in Article 165—

(i) in paragraph (2)—

(aa) for sub-paragraph (a) there were substituted the following sub-paragraph—

“(a) a qualifying insolvency event has occurred in relation to an employer in relation to the non-segregated scheme”;

(bb) in sub-paragraph (b) for “in relation to the scheme” there were substituted “in relation to the non-segregated scheme”;

(cc) in sub-paragraph (c)(i) for “the insolvency event” there were substituted “the first insolvency event in relation to the scheme”, and

(dd) in sub-paragraph (c)(ii) after “under Article 106(2)(a)” there were inserted “and that notice has become binding”;

(ii) in paragraph (3)(b) for “in relation to the scheme” there were substituted “in relation to the non-segregated scheme”;

(iii) in paragraph (4) for sub-paragraph (b) there were substituted the following sub-paragraph—

“(b) in relation to 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;”;
- (iv) in paragraph (4)(c) for “the employer” there were substituted “those employers who are unlikely to continue as a going concern”;
- (v) in paragraph (8) after sub-paragraph (a) there were inserted the following sub-paragraph—
 - “(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 Article 113(1A), as modified by Part VI of the Multi-employer Regulations⁽¹⁾, 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), and”;
- (c) in Article 166—
 - (i) in paragraph (1) after “Article 165 apply” there were inserted “to the non-segregated scheme”, and
 - (ii) in paragraph (3)(d) for “the employer”, in both places where it occurs, there were substituted “each employer”, and
- (d) in Article 168(5)(d) for “the employer”, in both places where it occurs, there were substituted “each employer”.

(1) Part VI was substituted by regulation 3(4) of S.R. 2005 No. 357