
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 91

**The Pension Protection Fund (Multi-employer Schemes)
(Modification) Regulations (Northern Ireland) 2005**

PART IV

**SEGREGATED SCHEMES: NON-SEGREGATED MULTI-EMPLOYER
SECTIONS OF SEGREGATED SCHEMES WITH REQUIREMENT FOR
PARTIAL WIND UP ON WITHDRAWAL OF PARTICIPATING EMPLOYER**

Application and effect

28.—(1) This regulation applies to a non-segregated multi-employer section of a segregated scheme in circumstances where –

- (a) an insolvency event occurs in relation to an employer in relation to that section; or
- (b) the trustees or managers of the scheme become aware that an employer in relation to that section is unlikely to continue as a going concern and meets the requirements prescribed under Article 113(1)(b) (applications and notifications for the purposes of Article 112).

(2) Where –

- (a) in relation to an employer in relation to a section of a scheme to which this regulation applies, an event described in paragraph (1)(a) or (b) occurs; and
- (b) the requirement in the scheme rules relating to that section for the trustees or managers of the scheme to segregate such part of the assets of the section as is attributable to the liabilities of the section to provide pensions or other benefits to or in respect of the pensionable service of some or all of the members of the section by reference to an employer in relation to the section (“the segregation requirement”) would be triggered when an employer in relation to the section ceases to participate in the scheme,

the segregation requirement shall, in relation to the employer referred to in sub-paragraph (a), be deemed to have been triggered immediately after the occurrence of the event described in paragraph (1)(a) or (b) and a segregated part of the section shall be deemed to have been created for and in respect of any period after the occurrence of that event where a withdrawal event within the meaning of Article 133(2) has not occurred in relation to the segregated part.

(3) In this Part –

“non-segregated multi-employer section” means a multi-employer section of a segregated scheme where, under the scheme rules relating to that section, the trustees or managers of the scheme are required, in circumstances where an employer in relation to that section ceases to participate in the scheme, to segregate such part of the assets of the section as are attributable to the liabilities of the section to provide pensions or other benefits to or in respect of the pensionable service of some or all of the members of the section by reference to that employer; and

“segregated part” means a section of a non-segregated multi-employer section which is created when a segregation requirement in the scheme rules relating to that multi-employer section of the scheme has been triggered.

- (4) Except as otherwise provided in this Part, in a case where this regulation applies –
- (a) Part III of the Order, except Chapter 4, 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 “rules of the scheme which apply to the segregated part”;
 - (ii) “the scheme” shall be read as if they were references to “the segregated part”;
 - (iii) “the employer” shall be read as if they were references to “the employer in relation to the segregated part”, and
 - (iv) “trustees or managers of the scheme” shall, in relation to a non-segregated 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”.
- (5) Paragraph (4) shall not have effect in relation to Article 157 (initial levy).