
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 121

The Occupational Pension Schemes (Master Trusts) Regulations (Northern Ireland) 2022

Connected employers

3.—(1) For the purposes of section 1(3)(b) of the Act (Master Trust schemes: definition), an employer (“A”) is connected with another employer (“B”), and an employer which is a group undertaking of A is connected with an employer which is a group undertaking of B—

- (a) where A and B have separate legal identities but are structured so that the economic position of the shareholders of each is, as far as practicable, the same as if they held shares in a single company comprising the combined businesses of A and B;
- (b) where A employs scheme members jointly with B;
- (c) in respect of active members of the scheme, following a transfer of those members to A from B (but see paragraph (3));
- (d) where A holds or controls, or in the previous 6 months has held or controlled, at least 33% of the voting power in B;
- (e) where A is, or in the previous 6 months has been, engaged in a joint venture with B.

(2) In paragraph (1)—

“employer” means a person who employs or engages persons who are members of the scheme;

“group undertaking” has the meaning given by section 1161(5) of the Companies Act;

“joint venture” means an arrangement, contractual or otherwise, by which 2 or more parties undertake an economic activity that is subject to joint control.

(3) Where the transfer referred to in paragraph (1)(c) is not a relevant transfer as defined in regulation 2(1) of the TUPE Regulations, A and B (and their respective group undertakings) are connected for no more than 6 months beginning with the date of the transfer.

(1) There are further provisions about relevant transfers in regulation 3 of [S.I. 2006/246](#), which was amended by regulation 5 of [S.I. 2014/16](#)