

SCHEDULE 3

MODIFICATIONS OF PENSIONS ACT 1995 AND THESE REGULATIONS

Multi-employer schemes

1.—(1) In their application to any scheme which applies to earners in employments under different employers or, as the case may be, to a company which is the trustee of a relevant scheme which so applies, sections 16 to 21 have effect with the following modifications—

- (a) in sections 16(6), 17(1)(a), (5), 18(6) and 19(1)(a) and (5) for the word “employer” substitute the words “appropriate person”;
- (b) in sections 17(2)(b) and 19(2)(b) for the word “employer's” substitute the words “appropriate person's”;
- (c) in section 18(1) for the words “the employer” substitute the words “any of the employers”;
- (d) in section 18(8) for paragraphs (a) and (b) substitute the words “a trustee of two or more trust schemes by virtue of the trusteeship of which this section applies to it, then, subject to subsection (9)”;
- (e) after section 18(8) insert—

“(9) Where—

- (a) apart from this subsection, subsection (8) would apply to a company; and
- (b) there are only two schemes by virtue of the trusteeship of which this section applies to the company,
the company may determine that subsection (8) shall not apply to those schemes.”;
- (f) in section 20(5) for the words “the employer” and “the employer's” substitute respectively the words “any employer” and “all the employers”;
- (g) in section 21 at the end add—

“(9) In sections 16 to 19 “appropriate person” means the person whom the employers nominate to act for them for the purposes of this subsection or, if no such nomination is made, all the employers.”.

(2) In their application to any such scheme or, as the case may be, company—

- (a) the definitions of “alternative arrangements” and “opt-out failure date” in regulation 2, regulations 7(2)(d), 9, 10(2)(b)(i), 13(2)(d), 15, 16(2)(b)(i), 20(1), (3), (4) and (5), 22(3), paragraph 9(3) of Schedule 1 and Schedule 4 apply with the substitution for references to the employer of references to the appropriate person (as defined in section 21(9), as inserted by sub-paragraph (1)); and
- (b) paragraph 1(3) of Schedule 2 applies—
 - (i) with the substitution in paragraph (a) for the words “the employer” of the words “all the employers”, and
 - (ii) with the substitution for paragraph (b) of—
 - “(b) none of the employers requires his approval to be obtained”.