
STATUTORY INSTRUMENTS

1996 No. 3126

The Occupational Pension Schemes(Winding Up) Regulations 1996

Preliminary

Commencement of winding up

2.—^[F1](1) The time when a scheme begins to be wound up shall be determined for the purposes of these Regulations in accordance with this regulation—

- (a) if in accordance with section 124(3A) to (3E) the scheme began to wind up before 6th April 2005; or
- (b) if immediately before that date the scheme was treated by virtue of this regulation as having begun to be wound up for those purposes.

(1A) See section 124(3A) to (3E) for the time when a scheme begins to wind up in any other case.]

(2) Subject to paragraphs (3) and (5), where the rules of the scheme require or permit the scheme to be wound up and the scheme is wound up under those rules, the scheme begins to be wound up—

- (a) either—
 - (i) at such time as the rules provide that it does so, or
 - (ii) if the rules make no provision as to that time, at such time as the trustees determine that the scheme shall begin to be wound up; or
- (b) as soon as there are no members who are in pensionable service under the scheme,

whichever is the later.

(3) Where the rules of the scheme require or permit the scheme to be wound up, but the trustees determine in pursuance of section 38 or otherwise that the scheme is not for the time being to be wound up, then for the purposes of paragraph (2), in so far as any provision made by the rules of the scheme as to the time when it begins to be wound up is inconsistent with the trustees' determination, that provision shall be disregarded.

(4) Where under the rules of the scheme any person other than the trustees may determine that the scheme is to be wound up, or is not to be wound up for the time being, then the references in paragraphs (2)(a)(ii) and (3) to the trustees' determination shall be taken, in a case where the winding up begins or is deferred by virtue of that other person's determination, as a reference to his determination; and this paragraph applies where such a power is vested in the trustees jointly with another person, or in some but not all of the trustees, as it applies where such a power is vested only in a person other than the trustees.

(5) Where—

- (a) a scheme is wound up in pursuance—
 - (i) of an order of the Authority under section 11, or
 - (ii) of an order of a court; and
- (b) the order makes provision as to the time at which the scheme is to begin to be wound up,

Changes to legislation: *The Occupational Pension Schemes(Winding Up) Regulations 1996, Section 2 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

the scheme begins to be wound up at the time specified in the order or, if none is so specified, the date on which the order takes effect.

Textual Amendments

F1 Reg. 2(1) - reg. 2(1A) substituted for reg. 2(1) (6.4.2005) by [Occupational Pension Schemes \(Winding Up etc.\) Regulations 2005 \(S.I. 2005/706\)](#), reg. 1(2), **Sch. para. 1**

Modifications etc. (not altering text)

C1 Reg. 2 applied (6.4.1997) by [The Occupational Pension Schemes \(Deficiency on Winding Up etc.\) Regulations 1996 \(S.I. 1996/3128\)](#), regs. 1(3), **2(1)**

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Changes and effects yet to be applied to :

- Instrument saved by [S.I. 1997/784 reg.8](#)
- reg.2 appl. (temp.) by [S.I. 1997/664 art.11\(1\)](#)