

SCHEDULE

Regulation 8

“SCHEDULE 2A

Regulation 5A(8)

MATTERS TO BE INCLUDED IN AN ADMISSION AGREEMENT IN CERTAIN CASES

1. A requirement for the transferee admission body to pay to the administering authority all contributions and payments due under the Regulations.
2. If required by regulation 5A(6), a reference to the indemnity or bond in accordance with regulation 5A(7) and a warranty from the transferee admission body that such an indemnity or bond is in place.
3. A provision requiring the transferee admission body to adopt the practices and procedures relating to the operation of the Scheme set out in the Regulations and in any employer’s guide published by the administering authority and provided to the transferee admission body.
4. An undertaking from the transferee admission body to the administering authority that it will not do anything to prejudice the status of the Scheme as an exempt approved scheme within the meaning given by section 592(1) of the Taxes Act.
5. A representation and warranty from the transferee admission body to the administering authority that all the transferee admission body’s employees or class of employees who are specified as members are employed in connection with the provision of the service or assets being carried out by the transferee admission body as a result of those matters referred to in 5A(2).
6. An undertaking from the transferee admission body that it will promptly notify the administering authority in writing of any material change in the terms and conditions of employment which affect entitlement to benefits under the Scheme for its employees who are members and of any terminations of employment by virtue of redundancy or in the interests of efficiency.
7. A requirement that the transferee admission body notifies the administering authority of each occasion on which it exercises a discretion under the Regulations and the manner in which it exercises that discretion.
8. A requirement that the transferee admission body notifies the administering authority of any matter which may affect, or is likely to affect, its participation in the Scheme and that it gives immediate notice of any actual or proposed change in its status which may give rise to a termination, including take-over, reconstruction or amalgamation, liquidation or receivership and a change in the nature of its business or constitution.
9. A minimum period of three months’ notice to terminate the admission agreement but automatic termination, as required by regulation 5B(2), in the event that the transferee admission body ceases to be such.
10. A right for the administering authority to terminate the agreement in the event of—
 - (a) the insolvency, winding up or liquidation of the transferee admission body,
 - (b) a breach by the transferee admission body of any of its obligations under the admission agreement (but where the breach is capable of remedy only where it has not been remedied within a reasonable time),
 - (c) the withdrawal of approval by the Commissioners of Inland Revenue to the participation of the transferee admission body as a Scheme employer, or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) a failure by the transferee admission body to pay any sums due to the fund within a reasonable period after receipt of a notice from the administering authority requiring it to do so.

11. A requirement that the admission agreement in its final form shall be available for public inspection at the appropriate offices of the administering authority.

12. In relation to a transferee admission body under regulation 5A(2)(a)—

- (a) a reference to the date of the contract, other arrangement or direction by which the body met the requirements of that regulation,
- (b) a provision whereby the Scheme employer may set off against any payments due to the transferee admission body an amount equal to any overdue employer and employee contributions and other payments (and interest payable under the Regulations) due from the transferee admission body as an employing authority,
- (c) a provision requiring the Scheme employer to keep under assessment the level of risk arising as a result of the matters set out in regulation 5A(6),
- (d) a provision that where a representation or notification must be given to an administering authority under paragraphs 5, 6, 7 and 8 of this Schedule, that representation or notification is also given to the Scheme employer, and
- (e) a requirement that the admission agreement in its final form shall be available for public inspection at the appropriate offices of the Scheme employer, if different from the administering authority.”