
STATUTORY INSTRUMENTS

2005 No. 1986

The Financial Assistance Scheme Regulations 2005

PART 3

QUALIFYING PENSION SCHEMES

Condition to be satisfied: multi-employer schemes

12.—(1) In relation to a section of a sectionalised multi-employer scheme, the condition to be satisfied for the purposes of [F1regulation 9(1)(c)(ii)] is that an insolvency event has occurred F2...—

- [F3(a) in relation to the principal employer in that section; or
- (b) where either there is no principal employer in that section or, where the principal employer is not an employer, there has been no insolvency event in relation to such a principal employer in that section—
 - (i) in relation to the employer in that section; or
 - (ii) where there is more than one employer in that section, in relation to all the employers in that section.]

(2) In relation to a multi-employer scheme which is not a sectionalised multi-employer scheme, the condition to be satisfied for the purposes of [F1regulation 9(1)(c)(ii)] is that an insolvency event has occurred F2...—

- (a) in relation to the principal employer; or
- [F4(b) where either there is no principal employer or, where the principal employer is not an employer, there has been no insolvency event in relation to such a principal employer—
 - (i) in relation to the employer; or
 - (ii) where there is more than one employer, in relation to all the employers.]

(3) The references to the employer [F5(other than in the phrase “principal employer”)] in paragraph (1) F6...—

- (a) [F7include every person] who employed persons in the description or category of employment to which the section of the scheme relates or related immediately before the time when the scheme began to wind up; or
- (b) where the scheme had no active members immediately before the time it began to wind up, to the person who was the employer of persons in the description or category of employment to which the section of the scheme relates or related immediately before the time when the scheme ceased to have any active members in relation to that section.

(4) The references to the employer [F5(other than in the phrase “principal employer”)] in paragraph(2) F6...—

- (a) [F7include every person] who employed persons in the description or category of employment to which the scheme relates or related immediately before the time when the scheme began to wind up; or

- (b) where the scheme had no active members immediately before the time it began to wind up, to the person who was the employer of persons in the description or category of employment to which the scheme relates or related immediately before the time when the scheme ceased to have any active members in relation to it.
- (5) The references to the principal employer [^{F8}(who may or may not be an employer within the meaning of paragraph (3) or (4)) in paragraphs (1)] and (2) are to [^{F9}the person] who was the principal employer immediately before the time when the scheme began to wind up.
- (6) In this regulation—
- “principal employer” means [^{F9}the person] who—
- (a) is the principal employer for the purposes of the scheme, or of a section of a sectionalised multi-employer scheme, in accordance with the rules of the occupational pension scheme; or
- (b) has power to act on behalf of all the employers in the scheme, or in a section of a sectionalised multi-employer scheme, in relation to the rules of that scheme;
- “sectionalised multi-employer scheme” means a multi-employer scheme which is divided into two or more sections and the provisions of the scheme are such that—
- (a) different sections of the scheme apply or applied to different employers or groups of employers (whether or not more than one section applies or applied to any particular employer or groups including any particular employer);
- (b) any contributions payable or paid to the scheme by an employer, or by a member in employment under that employer, are allocated to that employer's section (or if more than one section applies or applied to the employer, to the section which is, or was, appropriate in respect of the employment in question); and
- (c) a specified part or proportion of the assets of the scheme is, or was, attributable to each section of the scheme and cannot or could not be used for the purpose of any other section of the scheme.

Textual Amendments

- F1** Words in reg. 12(1)(2) substituted (17.7.2008) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/1903\)](#), regs. 1, **7(3)**
- F2** Words in reg. 12(1)(2) omitted (19.12.2007) by virtue of [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3581\)](#), regs. 1(1), **4(4)**
- F3** Reg. 12(1)(a)(b) substituted for reg. 12(1)(a)-(c) (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), regs. 1(1), **4(3)(a)**
- F4** Reg. 12(2)(b) substituted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), regs. 1(1), **4(3)(b)**
- F5** Words in reg. 12(3)(4) inserted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), regs. 1(1), **4(3)(c)(i)**
- F6** Word in reg. 12(3)(4) omitted (16.12.2006) by virtue of [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), regs. 1(1), **4(3)(c)(ii)**
- F7** Words in reg. 12(3)(a)(4)(a) substituted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), regs. 1(1), **4(3)(c)(iii)**
- F8** Words in reg. 12(5) substituted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), regs. 1(1), **4(3)(d)(i)**
- F9** Words in reg. 12(5)-(6) substituted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), regs. 1(1), **4(3)(d)(ii)**

Changes to legislation:

There are currently no known outstanding effects for the The Financial Assistance Scheme Regulations 2005, Section 12.