
STATUTORY INSTRUMENTS

2005 No. 3378

**The Occupational Pension Schemes
(Investment) Regulations 2005**

Multi-employer schemes

16.—(1) Where a scheme in relation to which there is more than one employer is divided into two or more sections and the provisions of the scheme are such that—

- (a) different sections of the scheme apply to different employers or groups of employers (whether or not more than one section applies to any particular employer or groups including any particular employer);
- (b) contributions payable 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 to the employer, to the section which is appropriate in respect of the employment in question); and
- (c) a specified part or proportion of the assets of the scheme is attributable to each section and cannot be used for the purposes of any other section,

then regulations 10 to [F¹15A] shall apply as if each section of the scheme were a separate scheme.

(2) Where—

- (a) a scheme which has been such a scheme as is mentioned in paragraph (1) is divided into two or more sections some or all of which apply only to members who are not in pensionable service under the section; and
- (b) the provisions of the scheme have not been amended so as to prevent the conditions mentioned in paragraph (1)(a) to (c) being satisfied in relation to two or more sections; but
- (c) those conditions have ceased to be satisfied in relation to one or more sections (whether before or after 6th April 1997) by reason only of there being no members in pensionable service under the section and no contributions which are to be allocated to it,

then regulations 10 to [F²15A] shall apply as if the section in relation to which those conditions have ceased to be satisfied were a separate scheme.

(3) For the purposes of paragraphs (1) and (2), there shall be disregarded any provisions of the scheme by virtue of which contributions or transfers of assets may be made to make provision for death benefits; and where paragraph (1) or (2) applies and contributions or transfers are so made to a section (“the death benefits section”) the assets of which may only be applied for the provision of death benefits, the death benefits section shall also be treated as if it were a separate scheme for the purposes of regulations 10 to [F³15A].

(4) For the purposes of paragraphs (1) to (3), there shall be disregarded any provisions of the scheme by virtue of which on the winding up of the scheme assets attributable to one section may be used for the purposes of another section.

(5) [F⁴Subject to regulations 16A and 16B,] where there is more than one employer in relation to a scheme (other than a scheme to which paragraph (1) or (2) applies), and at least two of those employers are persons who are neither a company nor a person connected with that company nor associates of each other—

- (a) regulation [^{F5}12(2)] shall apply with the substitution for the words “employer-related investments” of the words “ investments which are employer-related investments in relation to a particular employer, and employer-related investments overall must not exceed a prudent level and in any event must not exceed 20 per cent. of the current market value of the scheme ”; and
- (b) for regulation 14(4) there shall be substituted—
- “(4) There shall be no new investment in employer-related investments while—
- (a) the resources of a scheme retained in investments which are employer-related investments in relation to a particular employer (other than investments authorised by regulation 13) exceed five per cent. of the current market value of the resources of the scheme; or
- (b) more than 20 per cent. overall of the current market value of the resources of the scheme is retained under this regulation in employer-related investments.”.

Textual Amendments

- F1** Word in reg. 16(1) substituted (23.9.2010) by [Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(3)(b), **19(5)(a)**
- F2** Word in reg. 16(2) substituted (23.9.2010) by [Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(3)(b), **19(5)(a)**
- F3** Word in reg. 16(3) substituted (23.9.2010) by [Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(3)(b), **19(5)(a)**
- F4** Words in reg. 16(5) inserted (1.10.2022) by [The Occupational Pension Schemes \(Investment\) \(Employer-related investments by Master Trusts\) \(Amendment\) Regulations 2022 \(S.I. 2022/827\)](#), regs. 1(4), **2(5)**
- F5** Word in reg. 16(5)(a) substituted (23.9.2010) by [Occupational, Personal and Stakeholder Pensions \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/615\)](#), regs. 1(3)(b), **19(5)(b)**
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Modifications etc. (not altering text)

- C1** Reg. 16 applied (with modifications) (5.7.2010) by [Application of Pension Legislation to the National Employment Savings Trust Corporation Regulations 2010 \(S.I. 2010/8\)](#), regs. 1(3), **4(b)** (with reg. 5) (as amended (1.10.2022) by [The Occupational Pension Schemes \(Investment\) \(Employer-related investments by Master Trusts\) \(Amendment\) Regulations 2022 \(S.I. 2022/827\)](#), regs. 1(4), **5)**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Investment) Regulations 2005, Section 16.