

---

STATUTORY INSTRUMENTS

---

**2005 No. 441**

**The Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations 2005**

**PART 5**

**NON-SEGREGATED SCHEMES:**

**SCHEMES WITH A REQUIREMENT FOR PARTIAL WIND UP  
ON THE WITHDRAWAL OF A PARTICIPATING EMPLOYER**

**Transfer notices and assumption of responsibility for a scheme**

**58.**—(1) Section 160 of the Act (transfer notice) shall be modified in its application to a segregated part to which regulation 45 applies, so that it shall be read as if—

(a) after subsection (1), there were inserted the following subsection—

“(1A) This section also applies where the Board is required to assume responsibility for a segregated part of a non-segregated scheme.”.

(b) after subsection (2), there were inserted the following subsection—

“(2A) Where the trustees or managers of a segregated part of a non-segregated scheme receive a transfer notice from the Board under subsection (2), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”;

(c) after subsection (4), there were inserted the following subsections—

“(4B) In a case where the Board is required to assume responsibility for a segregated part of a non-segregated scheme under section 127, 128, 152 or 158, a transfer notice may not be given until the Board has obtained a further actuarial valuation of the assets and protected liabilities of the scheme as a whole and of the segregated part under section 160A as at the date on which it is required to assume responsibility for the segregated part and that valuation has been approved by the Board and become binding.”; and

(d) for subsection (6), there were substituted the following subsection—

“(6) The Board must give a copy of the transfer notice under subsection (2) to—

(a) the Regulator, and

(b) an insolvency practitioner acting in relation to the employer in relation to the segregated part of the multi-employer scheme in respect of which the transfer notice is issued.”.

(2) Section 161 of the Act (effect of Board assuming responsibility for a scheme) shall be modified in its application to a segregated part to which regulation 45 applies, so that it shall be read as if—

(a) after the word “obligations” in paragraph (b) of subsection (2), there were inserted the words “to or in respect of members of the segregated part”; and

(b) after the words “to or in respect of persons” in paragraph (a) of subsection (4), there were inserted the words “who are or were members of that segregated part”.

(3) Paragraph 1 of Schedule 6 to the Act (transfer of property, rights and liabilities) shall be modified in its application to a segregated part to which regulation 45 applies so that it shall be read as if, for the words “an occupational pension scheme”, there were substituted the words to “a segregated part of a non-segregated multi-employer scheme”.