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STATUTORY INSTRUMENTS

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**2005 No. 441**

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

**PART 6**

**NON-SEGREGATED SCHEMES:**

**SCHEMES WITHOUT PROVISION FOR PARTIAL WIND UP ON WITHDRAWAL OF A PARTICIPATING EMPLOYER**

**Applications and notifications**

**65.**—(1) Section 129 of the Act (applications and notifications for the purposes of section 126) shall be modified so that it shall be read as if, in its application to a non-segregated scheme to which—

(a) paragraph (1) of regulation 61 applies—

(i) for subsection (1) there were substituted the following subsection—

“(1) Where the trustees or managers of a non-segregated scheme which is, for the purposes of this Part, an eligible scheme become aware that—

(a) more than one of the employers in relation to the scheme is unlikely to continue as a going concern at a time when those employers are the only employers in relation to the scheme, and

(b) the prescribed requirements are met in relation to those employers,

they must make an application to the Board for it to assume responsibility for the scheme under section 128.”;

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

“(1A) Where the trustees or managers of a non-segregated scheme make an application to the Board under subsection (1), they must issue a notice to that effect as soon as practicable to all the employers in relation to the scheme.”; and

(iii) after subsection (5), there were inserted the following subsection—

“(5A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice from the Board under subsection (5), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”; and

(b) paragraph (2) of regulation 61 applies—

(i) for subsection (1) there were substituted the following subsection—

“(1) Where the trustees or managers of a non-segregated scheme which is, for the purposes of this Part, an eligible scheme become aware that—

(a) one or more of the employers in relation to the scheme is unlikely to continue as a going concern at a time when an insolvency event has also occurred in relation to all other employers in relation to the scheme and,

where applicable, an insolvency practitioner is still required by law to act in relation to each of those employers, and

(b) the prescribed requirements are met in relation to those employers,

they must make an application to the Board for it to assume responsibility for the scheme under section 128.”;

(ii) after subsection (1) there were inserted the following subsection—

“(1A) Where the trustees or managers of a non-segregated scheme make an application to the Board under subsection (1), they must issue a notice to that effect as soon as practicable to all the employers in relation to the scheme.”;

(iii) for the words “the employer” in paragraphs (a) and (b) of subsection (4), there were substituted the words “an employer”; and

(iv) after subsection (5), there were inserted the following subsection—

“(5A) Where the trustees or managers of a non-segregated scheme receive a copy of a notice from the Board under subsection (5), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”.

(2) Section 130 of the Act (Board’s duty where application or notification received under section 129) shall be modified so that it shall be read as if, in its application to a non-segregated scheme to which paragraph (1) or (2) of regulation 61 applies—

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

“(4A) Where the trustees or managers of a non-segregated scheme receive a copy of notice from the Board under subsection (4), they must send a copy of that notice as soon as practicable to all the employers in relation to the scheme.”; and

(b) after subsection (7), there were inserted the following subsection—

“(7A) Where the trustees or managers of a non-segregated scheme receive a notice from the Board under subsection (7) together with a copy of the binding notice, they must send a copy of the notice and the binding notice as soon as practicable to all the employers in relation to the scheme.”.