
STATUTORY INSTRUMENTS

2005 No. 590

The Pension Protection Fund (Entry Rules) Regulations 2005

Confirmation of scheme status by Board

10.—(1) This regulation applies in a case where section 129 of the Act (applications and notifications for the purposes of section 128) applies and where the requirements prescribed in regulation 7 [^{F1}or 7A] have been met in relation to the employer in relation to an eligible scheme.

(2) The prescribed matters referred to in section 130(5)(a) of the Act (Board's duty where application or notification received under section 129) which the Board must be able to confirm are that—

- (a) all or part of the employer's business has been rescued as a going concern and the employer—
 - (i) retains responsibility for meeting the pension liabilities under the scheme, and
 - (ii) has not entered into an agreement to which paragraph (3)(c) of regulation 2 applies;
or
- (b) the Board is satisfied that another person or other persons has or have assumed responsibility for meeting the employer's pension liabilities under the scheme.

(3) The prescribed matters referred to in section 130(5)(b) of the Act which the Board must confirm are that—

- (a) in circumstances where [^{F2}the employer is not an individual or a partnership] —
 - (i) that employer has entered into an agreement to which paragraph (3)(c) of regulation 2 applies; or
 - (ii) that employer is not continuing as a going concern and—
 - (aa) no other person or other persons has or have assumed responsibility for meeting the employer's pension liabilities under the scheme, and
 - (bb) the Board is of the opinion that the employer's pension liabilities under the scheme will not be assumed by another person;
- (b) in circumstances where the employer is an individual—
 - (i) that employer has entered into an agreement to which paragraph (3)(c) of regulation 2 applies; or
 - (ii) no part of the employer's business is being continued by that employer as a going concern and—
 - (aa) no other person or other persons has or have assumed responsibility for meeting the employer's pension liabilities under the scheme, and
 - (bb) the Board is of the opinion that the employer's pension liabilities under the scheme will not be assumed by another person;

- (c) in circumstances where the employer is a partnership ^{F3}...—
 - (i) that employer has entered into an agreement to which paragraph (3)(c) of regulation 2 applies; or

- (ii) no part of the employer's business is being continued by one or more of the partners as a going concern and—
- (aa) no other person or other persons has or have assumed responsibility for meeting the employer's pension liabilities under the scheme, and
 - (bb) the Board is of the opinion that the employer's pension liabilities under the scheme will not be assumed by another person.
- (4) A notice issued by the Board under section 130(2) or (3) of the Act shall be in writing and shall contain the following information—
- (a) the name or type of notice issued;
 - (b) the date on which the notice is issued;
 - (c) the name, address and pension scheme registration number of the scheme in respect of which the notice is issued;
 - (d) the name of the employer in relation to the scheme in respect of which the notice is issued;
 - (e) a statement by the Board that a scheme rescue has occurred or that a scheme rescue is not possible;
 - (f) if a scheme rescue has occurred, the date or the approximate date of the scheme rescue and, if there is a new employer in relation to the scheme, the name and address of that employer;
 - (g) if a scheme rescue is not possible, a statement by the Board to that effect;
 - (h) the address for communications at which the Board may be contacted in connection with the issue of the notice;
 - (i) whether the issue of the notice by the Board is a reviewable matter and, if so, the time limit for applying for a review of or appeal against the issue of the notice;
 - (j) the date on which the notice issued will become binding; and
 - (k) whether the notice issued contains any restricted information and, if so, the nature of the restrictions.

Textual Amendments

- F1** Words in reg. 10(1) inserted (1.4.2009) by [The Pension Protection Fund \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/451\)](#), regs. 1, **2(4)(a)**
- F2** Words in reg. 10(3)(a) substituted (6.4.2016) by [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **5(8)(a)**
- F3** Words in reg. 10(3)(c) omitted (6.4.2016) by virtue of [The Pension Protection Fund and Occupational and Personal Pension Schemes \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/294\)](#), regs. 1, **5(8)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Pension Protection Fund (Entry Rules) Regulations 2005, Section 10.