
STATUTORY INSTRUMENTS

2005 No. 590

The Pension Protection Fund (Entry Rules) Regulations 2005

Confirmation of scheme status by insolvency practitioner – multi-employer schemes

11.—(1) This regulation applies to—

- (a) a section of a segregated scheme with only one employer in relation to that section;
- (b) a multi-employer section of a segregated scheme; or
- (c) a non-segregated scheme,

where the scheme rules contain a provision for the partial winding up of the scheme, or the section, in circumstances where an employer in relation to the scheme, or the section, ceases to participate in the scheme.

(2) Where, by virtue of section 122 of the Act ^{M1} (insolvency practitioner's duty to issue notices confirming status of scheme), an insolvency practitioner is required to issue a notice under subsection (2)(a) (a “scheme failure notice”) or (2)(b) (a “scheme rescue notice”) of that section in relation to—

- (a) a section of a segregated scheme;
- (b) a segregated part of a multi-employer section of a segregated scheme; or
- (c) a segregated part of a non-segregated scheme,

to which this regulation applies, regulation 9 shall have effect and shall be read as if, for the words “the scheme” in each place where they appear in that regulation, there were substituted the words “the section ” or, as the case may be, “the segregated part”.

(3) Where, by virtue of section 120(3A) or, as the case may be, 129(1B) of the Act ^{M2}, the trustees or managers of a scheme or a section of a scheme to which this regulation applies are required to give a non-segregation notice to the Board, the notice shall be in writing and shall contain the following information—

- (a) the name or type of the 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; and
- (e) a statement that the trustees or managers have decided not to exercise the option to segregate under the scheme.

(4) Where, under section 130 of the Act (Board's duty where application or notification received under section 129), the Board is required to issue a notice under subsection (2) (a “scheme failure notice”) or (3) (a “scheme rescue notice”) of that section in relation to—

- (a) a section of a segregated scheme;
- (b) a segregated part of a multi-employer section of a segregated scheme; or
- (c) a segregated part of a non-segregated scheme,

to which this regulation applies, regulation 10 shall have effect and shall be read as if, for the words “the scheme” in each place where they appear in that regulation, there were substituted the words “the section” or, as the case may be, “the segregated part”.

Marginal Citations

- M1** Section 122 of the Pensions Act 2004 is modified by the Pension Protection Fund (Multi-employer Schemes) (Modification) Regulations 2005 (S.I. 2005/441) in its application to sections and multi-employer sections of segregated schemes and segregated parts of multi-employer sections of segregated schemes and non-segregated schemes.
- M2** See Parts 7 and 8 of the [Pension Protection Fund \(Multi-employer Schemes\) \(Modification\) Regulations 2005 \(S.I. 2005/441\)](#) which modifies Part 2 of the Pensions Act 2004 so that it shall be read as if, in sections 120 and 129, there were inserted new subsections (3A) and (1B) respectively. Parts 7 and 8 of [S.I. 2005/441](#) apply to non-segregated schemes or multi-employer sections of segregated schemes the rules of which give the trustees or managers the option to segregate such part of the assets of the section as is attributable to the liabilities of the section to provide pensions or other benefits to or in respect of the pensionable service of members of that section by reference to an employer in circumstances where that employer has ceased to participate in the scheme.

Changes to legislation:

There are currently no known outstanding effects for the The Pension Protection Fund (Entry Rules) Regulations 2005, Section 11.