
STATUTORY INSTRUMENTS

2005 No. 590

The Pension Protection Fund (Entry Rules) Regulations 2005

Prescribed insolvency events

5.—(1) An insolvency event occurs—

[^{F1}(a) in relation to a company, where—

- (i) an administration order is made by the court in respect of the company by virtue of any enactment which applies Part 2 of the 1986 Act ^{M1}(administration orders) (with or without modification);
- (ii) a notice from an administrator under paragraph 83(3) of Schedule B1 to the 1986 Act (moving from administration to creditors' voluntary liquidation) in relation to the company is registered by the registrar of companies;
- (iii) the company moves from administration to winding up pursuant to an order of the court under Rule 2.132 of the Insolvency Rules (conversion of administration to winding up – power of court); or
- (iv) an administrator or liquidator of the company, being the nominee in relation to a proposal for a voluntary arrangement under Part 1 of the 1986 Act (company voluntary arrangements), summons meetings of the company and of its creditors, to consider the proposal, in accordance with section 3(2) of the 1986 Act (summoning of meetings);]

[^{F2}(aa) in relation to a partnership, where—

- (i) the partnership moves from administration to winding up pursuant to an order of the court under Rule 2.61 of the Insolvency Rules (conversion of administration to winding up – power of court) (as applied by an order under section 420 of the 1986 Act (insolvent partnerships)) as that Rule stood before the coming into force of the Insolvency (Amendment) Rules 2003; or
- (ii) an administrator, liquidator or trustee of the partnership, being the nominee in relation to a proposal for a voluntary arrangement under Part 1 of the 1986 Act (as applied by an order under section 420 of the 1986 Act), summons meetings of the members of the partnership and of the partnership's creditors, to consider the proposal, in accordance with section 3(2) of the 1986 Act (as applied by an order under section 420 of the 1986 Act);]

(b) in relation to a relevant body, where—

- (i) any of the events referred to in section 121(3) of the Act (insolvency events) occurs in relation to that body by virtue of the application (with or without modification) of any provision of the 1986 Act by or under any other enactment; or
- (ii) an administration order is made by the court in respect of the relevant body by virtue of any enactment which applies Part 2 of the 1986 Act (with or without modification);

(c) in relation to a building society, where there is dissolution by consent of the members under section 87 of the Building Societies Act 1986 ^{M2} (dissolution by consent);

Status: Point in time view as at 21/02/2009. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Pension Protection Fund (Entry Rules) Regulations 2005, Section 5. (See end of Document for details)

- (d) in relation to a friendly society, where there is dissolution by consent of the members under section 20 of the Friendly Societies Act 1992 ^{M3} (dissolution by consent); and
- (e) in relation to an industrial and provident society, where there is dissolution by consent of the members under section 58 of the Industrial and Provident Societies Act 1965 ^{M4} (instrument of dissolution).

(2) In this regulation—

“administration order” means an order whereby the management of the company or relevant body, as the case may be, is placed in the hands of a person appointed by the court;

“relevant body” means—

- (a) ^{M5}a credit union within the meaning given in section 31(1) of the Credit Unions Act 1979 (interpretation);
- (b) a limited liability partnership within the meaning given in section 57(6) of the Act (sections 38 to 56: partnerships and limited liability partnerships);
- (c) a building society within the meaning given in section 119 of the Building Societies Act 1986 (interpretation);
- (d) a person who has permission to act under Part 4 of the FSMA (permission to carry out regulated activities);
- (e) the society of Lloyd's and Lloyd's members who have permission under Part 19 of the FSMA (Lloyd's);
- (f) a friendly society within the meaning given in the Friendly Societies Act 1992; or
- (g) a society which is registered as an industrial and provident society under the Industrial and Provident Societies Act 1965.

(3) In this regulation, a reference to Part 2 of the 1986 Act (administration orders) shall, insofar as it relates to a company or society listed in section 249(1) of the Enterprise Act 2002 (special administration regimes), have effect as if it referred to Part 2 of the 1986 Act as it had effect immediately before the coming into force of section 248 of the Enterprise Act 2002 (replacement of Part 2 of the Insolvency Act 1986).

Textual Amendments

- F1** Reg. 5(1)(a) substituted (24.8.2005) by [The Pension Protection Fund \(Entry Rules\) Amendment Regulations 2005 \(S.I. 2005/2153\)](#), regs. 1(1), **2(4)(a)**
- F2** Reg. 5(1)(aa) inserted (24.8.2005) by [The Pension Protection Fund \(Entry Rules\) Amendment Regulations 2005 \(S.I. 2005/2153\)](#), regs. 1(1), **2(4)(b)**

Marginal Citations

- M1** Part 2 of the Insolvency Act 1986 was replaced by section 248 of the Enterprise Act [2004 c. 40](#).
- M2** [1986 c. 53](#).
- M3** [1992 c. 40](#).
- M4** [1965 c. 12](#).
- M5** [1979 c. 34](#).

Status:

Point in time view as at 21/02/2009. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Pension Protection Fund (Entry Rules) Regulations 2005, Section 5.