
STATUTORY INSTRUMENTS

2005 No. 678

The Occupational Pension Schemes (Employer Debt) Regulations 2005

Supplementary

[^{F1}Modification of schemes: apportionment of section 75 debts

16.—(1) This regulation prescribes a purpose for which the trustees of a trust scheme (whether or not a money purchase scheme) may by resolution modify the scheme under section 68 of the 1995 Act (power of trustees to modify schemes by resolution).

(2) The purpose is to enable—

- (a) a scheme apportionment arrangement, or
- (b) a regulated apportionment arrangement,

to be entered into.

(3) No modification may be made for the purpose in paragraph (2) unless the trustees have consulted such employers in relation to the scheme as they think appropriate.]

Textual Amendments

- F1** Reg. 16 substituted (6.4.2010) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/725\)](#), regs. 1(2), **14**

Disregard of staying of voluntary winding up of employer for purposes of section 75 of the 1995 Act

17.—(1) This regulation applies for the purposes of [^{F2}section 75(6D)(b)(i)] of the 1995 Act (by virtue of which where a members' voluntary winding up of an employer is stayed section 75 of the 1995 Act has effect as if the resolution for the winding up had never been passed and any debt which arose under that section by virtue of the passing of the resolution had never arisen, except where the winding up is stayed in prescribed circumstances).

(2) The circumstances that are prescribed are where the stay is granted for a limited period.

Textual Amendments

- F2** Words in reg. 17(1) substituted (6.4.2010) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/725\)](#), regs. 1(2), **15**

Consequential amendments

18. The Regulations specified in Schedule 2 are amended as specified in that Schedule.

[^{F3}Review

- 19.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in regulation 6F of these Regulations; and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 6th April 2023.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).]

Textual Amendments

- F3** [Reg. 19](#) inserted (6.4.2018) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/237\)](#), regs. 1(2), **11**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Employer Debt) Regulations 2005, Supplementary.