
STATUTORY INSTRUMENTS

2005 No. 678

**The Occupational Pension Schemes
(Employer Debt) Regulations 2005**

Multi-employer schemes

[^{F1}Employment-cessation events: periods of grace

6A.—(1) Where but for this regulation an employment-cessation event would have occurred in relation to an employer (“A”) and before, on, or [^{F2}within [^{F3}3 months]] after, the cessation date A gives the trustees or managers of a relevant scheme (“the scheme”) a period of grace notice, A will be treated for a period of grace as if he employed a person who is an active member of the scheme, but—

(a) if by the last day of the period of grace A does not employ a person who is an active member of the scheme [^{F4}or enters into a deferred debt arrangement], A will be treated as if the period of grace had not applied;

[^{F5}(b) if at any time during the period of grace A—

(i) no longer intends to employ any person who will be an active member of the scheme;
or

(ii) does not intend to enter into a deferred debt arrangement by the last day of the period of grace,

A must notify the trustees or managers of the scheme and A must be treated as if the period of grace had not applied;]

(c) if at any time during the period of grace A employs an active member (whether before or after giving the period of grace notice), A will be treated as if an employment-cessation event had not occurred in relation to him on the cessation date which applied to the period of grace notice; or

(d) if during the period of grace an insolvency event occurs in relation to A, A will be treated as if the period of grace had not applied.

(2) Where in accordance with paragraph (1) an employer is treated for the period of grace as if he employed at least one person who is an active member of the scheme, he will for the purposes of these Regulations [^{F6}and regulation 16 of the FSD Regulations (multi-employer schemes)] be treated during that period as if he were an employer in relation to the scheme.

(3) For the purposes of this regulation, the following definitions shall apply—

“cessation date” means the date on which the employer ceases to employ at least one person who is an active member of the scheme and at least one other person who is not a defined contribution employer continues to employ at least one person who is an active member of the scheme;

“relevant scheme” means a scheme in relation to which A is not aware of any intention for it to become a frozen scheme during the period of grace;

“period of grace” means a period commencing on the cessation date and ending on the earlier of—

- (a) [^{F7}the day referred to in paragraph (4), or]
 - (b) the day on which the employer employs a person who is an active member of the scheme;
- “period of grace notice” means a notice in writing that an employer intends during the period of grace to employ at least one person who will be an active member of the scheme.

- [
- ^{F8}(4) The day mentioned in paragraph (a) of the definition of “period of grace” in paragraph (3) is—
- (a) the day which is 12 months after the cessation date; or
 - (b) a day which—
 - (i) is more than 12 months after the cessation date;
 - (ii) is less than 36 months after the cessation date; and
 - (iii) the trustees or managers of the scheme choose to nominate in accordance with paragraph (5).
- (5) A nomination mentioned in paragraph (4)(b)(iii) may only be made—
- (a) in writing; and
 - (b) before—
 - (i) the end of 12 months after the cessation date, where no day has previously been nominated under paragraph (4)(b)(iii); or
 - (ii) the day previously nominated under paragraph (4)(b)(iii).]]

Textual Amendments

- F1** Regs. 6A-6D inserted (6.4.2008) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/731\)](#), regs. 2(1), **7** (with reg. 2(3)-(8))
- F2** Words in reg. 6A(1) substituted (27.1.2012) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/2973\)](#), regs. 1(2), **9(2)**
- F3** Words in reg. 6A(1) substituted (6.4.2018) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/237\)](#), regs. 1(2), **5(2)(a)**
- F4** Words in reg. 6A(1)(a) inserted (6.4.2018) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/237\)](#), regs. 1(2), **5(2)(b)**
- F5** Reg. 6A(1)(b) substituted (6.4.2018) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/237\)](#), regs. 1(2), **5(2)(c)**
- F6** Words in reg. 6A(2) inserted (6.4.2018) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/237\)](#), regs. 1(2), **5(3)**
- F7** Words in reg. 6A(3) substituted (27.1.2012) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/2973\)](#), regs. 1(2), **9(3)**
- F8** Reg. 6A(4)(5) inserted (27.1.2012) by [The Occupational Pension Schemes \(Employer Debt and Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/2973\)](#), regs. 1(2), **9(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Employer Debt) Regulations 2005, Section 6A.