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STATUTORY INSTRUMENTS

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**2010 No. 725**

**The Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations 2010**

**Amendment of regulation 5 of the 2005 Regulations**

5.—(1) Regulation 5 of the 2005 Regulations (calculation of the amount of scheme liabilities and value of scheme assets)<sup>(1)</sup> is amended as follows.

(2) For paragraph (4)(b), substitute—

“(b) any amounts which are—

(i) treated as a debt due to the trustees or managers under—

(aa) section 75(2) or (4) of the 1995 Act (deficiencies in assets);

(bb) section 228(3) of the 2004 Act (amounts due in accordance with a schedule of contributions);

(cc) sections 59(2) (determination of contributions: supplementary) or 60(5) (serious underprovision) of the 1995 Act as they were in force before 30th December 2005;

(dd) section 75(1) of the 1995 Act as it was in force before 6th April 2005; or

(ee) section 144(1) of the 1993 Act (deficiencies in the assets of a scheme on winding up) as it was in force before 6th April 1997, and

(ii) unlikely to be recovered without disproportionate cost or within a reasonable time;”.

(3) For paragraph (7), substitute—

“(7) For the purposes of paragraph (6)—

(a) “external liabilities” means such liabilities of the scheme as are shown in—

(i) the net assets statement in the relevant accounts; or

(ii) an estimate used for the purposes of an updated asset statement, except that the liabilities in paragraph (8) are to be disregarded; and

(b) the amount of the external liabilities is—

(i) where sub-paragraph (a)(i) applies, the amount shown in the statement referred to in that sub-paragraph in respect of the external liabilities; or

(ii) where sub-paragraph (a)(ii) applies, the amount shown in the estimate referred to in that sub-paragraph in respect of the external liabilities.”.

(4) In paragraph (10)(a), omit “(“the receiving scheme”)”.

(5) At the beginning of paragraph (12), insert “For the purposes of paragraph (11),”.

(6) In paragraphs (14) and (17)(b), for “updated actuarial assessment” substitute “updated liabilities assessment”.

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(1) Regulation 5 was substituted by [S.I. 2008/731](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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