
STATUTORY INSTRUMENTS

2012 No. 3083

The Pension Protection Fund (Miscellaneous Amendments) (No. 2) Regulations 2012

Amendment of the Pension Protection Fund (Valuation) Regulations 2005

- 5.—(1) The Pension Protection Fund (Valuation) Regulations 2005⁽¹⁾ are amended as follows.
- (2) In regulation 1(2) (commencement, citation and interpretation)—
- (a) in the definition of “appropriate person”, after “section 143(11)(a)(ii) of the Act” insert “, in the case of a section 143 determination, means the Board”;
 - (b) after the definition of “restricted information”, insert—
““section 143 determination” means a determination by the Board under section 143(2)(a) of the Act;”;
 - (c) for the definition of “section 143 valuation”, substitute—
““section 143 valuation” means an actuarial valuation under section 143(2)(b) of the Act;”; and
 - (d) after the definition of “section 143 valuation”, insert—
““section 152 determination” means a determination by the Board for the purposes of section 152(2B) of the Act;
“section 152(10A) valuation” means a valuation under section 152(10A) of the Act;
“section 158 determination” means a determination by the Board under section 158(3)(a) of the Act;”.
- (3) After regulation 2 (provision of actuarial valuation to determine scheme underfunding), insert—

“Section 143 determinations

2A.—(1) This regulation applies where the Board is making a section 143 determination in respect of an eligible scheme.

(2) The Board must determine the value of the assets and protected liabilities of that scheme—

- (a) by using the information contained in the most recent section 179 valuation or an appropriate alternative actuarial valuation;
 - (b) by updating that information in accordance with the statement issued by the Board under section 143(5C) of the Act; and
 - (c) in accordance with regulations 3(a) and (c), 4, 6(1)(a) and (2), and 7(1) to (4)(c).
- (3) In this regulation—

“an appropriate alternative actuarial valuation” means a written valuation of the scheme’s assets and liabilities prepared and signed by the actuary; and

(1) [S.I. 2005/672](#); relevant amending instruments are [S.I. 2005/993](#) and [2113](#), [2006/580](#), [2007/782](#) and [2009/451](#).

“the actuary” means—

- (a) the actuary appointed under section 47(1)(b) of the Pensions Act 1995(2) (professional advisers) in relation to the scheme, or
- (b) a person who is a Fellow of the Institute and Faculty of Actuaries.”

(4) In regulations 3(a) and (c) (excluded assets) and 6(1)(a) (valuation of protected liabilities), after “section 143” insert “determination or section 143”.

(5) In regulation 4 (contribution notices, financial support directions and restoration orders) after “prior to the date that” insert “the determination is made or”.

(6) In regulation 7 (alternative valuation of assets and protected liabilities in specific cases)—

- (a) in paragraphs (1) and (2), after “section 143” insert “determination or a section 143”;
- (b) in paragraph (4) omit “a section 143 valuation”;
- (c) in paragraph (4)(a), (b) and (c) insert at the beginning “a section 143 determination or a section 143 valuation,”;
- (d) in paragraph (4)(a) after “in accordance with” insert “the statement issued by the Board under section 143(5C) of the Act or”;
- (e) in paragraph (4)(b)—
 - (i) after “the date” insert “the determination is made under section 143(2)(a) of the Act or the date”; and
 - (ii) in paragraph (ii) after “section 143” insert “determination or section 143”;
- (f) in paragraph (4)(c)(ii), after “in accordance with” insert “a statement issued by the Board under section 143(5C) of the Act or”; and
- (g) in paragraph (4)(d) and (e) insert at the beginning “a section 143 valuation,”.

(7) After regulation 7 (alternative valuation of assets and protected liabilities in specific areas), insert—

“Application of these regulations to applications for reconsideration and by closed schemes

7A.—(1) Regulations 2A, 3(a) and (c), 4, 6(1)(a) and (2), and 7(1) to (4)(c) apply in relation to a section 152 determination and a section 158 determination as they apply in relation to a section 143 determination.

(2) In the application of regulation 2A to section 152 determinations and section 158 determinations, the reference in paragraph (2)(a) to the most recent section 179 valuation is to be read as a reference to the most recent section 143 or section 179 valuation.

(3) Regulations 3 to 7 apply in relation to a section 152(10A) valuation as they apply in relation to a section 143 valuation.

(4) In the application of regulations 5 and 7 to section 152(10A) valuations—

- (a) the references to “relevant accounts” are to be read as references to “audited scheme accounts as defined in section 151(8) of the Act”; and
- (b) the references to “appropriate person” are to be read as references to “person who is a Fellow of the Institute and Faculty of Actuaries”.

(8) After regulation 9 (form and content of section 143 valuation and notice), insert—

“Form and content of section 143A notice of determination

9A. Where a section 143 determination becomes binding, the notice which the Board must issue under section 143A(4) shall be in writing and shall contain the following information—

- (a) the name or type of 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) a statement that the section 143 determination has become binding;
- (e) the name of the employer in relation to the scheme in respect of which the notice is issued; and
- (f) whether the notice issued by the Board contains any restricted information and, if so, the nature of the restriction.”.