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STATUTORY INSTRUMENTS

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**2014 No. 1664**

**The Pension Protection Fund (Entry Rules) (Amendment) Regulations 2014**

**Amendment of the Pension Protection Fund (Entry Rules) Regulations 2005**

2.—(1) The Pension Protection Fund (Entry Rules) Regulations 2005<sup>(1)</sup> are amended as follows.

(2) After regulation 5 (prescribed insolvency events) insert—

**“European insolvency event**

**5A.**—(1) An insolvency event occurs in relation to an employer on the fifth anniversary of the date that the insolvency proceedings mentioned in paragraph (2)(a) were commenced.

(2) The insolvency proceedings are proceedings which—

(a) on 20th July 2014—

(i) relate to an employer which has the centre of its main interests in the territory of a Member State of the European Economic Area other than the United Kingdom;

(ii) have been commenced in that Member State; and

(iii) have not come to an end;

(b) relate to an employer in relation to which a winding up order as mentioned in section 121(3)(g) of the Act (insolvency events) was granted and which was later set aside by the court on the basis that the court did not have jurisdiction to grant the order because the employer did not have an establishment in the United Kingdom; and

(c) relate to an employer in relation to an occupational pension scheme in respect of which an assessment period would have begun as a result of the grant of the winding up order mentioned in sub-paragraph (b) had that order not been set aside.

(3) The insolvency practitioner is the liquidator in relation to the insolvency proceedings mentioned in paragraph (2)(a)(i).

(4) Regulation 9<sup>(2)</sup> applies in relation to an insolvency event mentioned in paragraph (1) as if “company” included an employer mentioned in paragraph (2)(a) which is not a partnership or an individual.

(5) In this regulation—

(a) “establishment”, “insolvency proceedings” and “liquidator” each has the meaning given by Article 2 of Council Regulation (EC) No. 1346/2000<sup>(3)</sup> on insolvency proceedings;

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<sup>(1)</sup> S.I. 2005/590.

<sup>(2)</sup> Regulation 9 was amended by S.I. 2005/993.

<sup>(3)</sup> O.J. No. L 160 30.06.2000, p5.

(b) “centre of its main interests” is to be construed in accordance with Article 3 of that Regulation.”.

(3) In regulation 6(4) (circumstances in which insolvency proceedings in relation to the employer are stayed or come to an end)—

(a) in paragraph (1), at the beginning, insert “subject to paragraph (1A),”; and

(b) after paragraph (1) insert—

“(1A) This regulation does not apply in relation to an insolvency event under regulation 5A.”.