
STATUTORY INSTRUMENTS

2020 No. 693

The Pension Protection Fund (Moratorium and Arrangements and Reconstructions for Companies in Financial Difficulty) Regulations 2020

Board of the Pension Protection Fund rights in respect of a moratorium

2.—(1) Paragraph (2) applies where—

(a) a moratorium (within the meaning of Part A1 of the 1986 Act⁽¹⁾) which on or after the date on which these Regulations come into force—

(i) is in force in relation to a company, LLP or CIO that is an employer in respect of an eligible scheme; or

(ii) is or has been in force in relation to a company, LLP or CIO that has been an employer in respect of an eligible scheme at any time during the moratorium; and

(b) the trustees or managers of the scheme are a creditor of the company, LLP or CIO.

(2) The rights which are exercisable by the trustees or managers of the scheme as a creditor of the company, LLP or CIO under or by virtue of—

(a) section A12 (creditor consent for the purposes of section A11) of the 1986 Act⁽²⁾; or

(b) a court order under section A44(4)(c) (challenge to directors' actions) of the 1986 Act⁽³⁾, are instead to be exercised by the Board to the exclusion of the trustees or managers of the scheme.

(3) Before exercising a right under paragraph (2) the Board must consult the trustees or managers of the scheme.

⁽¹⁾ Part A1 was inserted by section 1 of the Corporate Insolvency and Governance Act 2020 (c. 12).

⁽²⁾ Sections A11 and A12 were inserted by section 1 of the Corporate Insolvency and Governance Act 2020 (c. 12).

⁽³⁾ Section A44 was inserted by section 1 of the Corporate Insolvency and Governance Act 2020 (c. 12).