

## SCHEDULE 2

### Modifications of the Order and Regulations

#### *Schemes under which the rates of contributions are determined by the trustees or managers or by the actuary*

8.—(1) In the case of a scheme under which—

- (a) the rates of contributions payable by the employer are determined by the trustees or managers without the agreement of the employer, and
- (b) no person other than the trustees or managers is permitted to reduce those rates or to suspend payment of contributions,

Article 208 and regulation 13 shall apply as if they were subject to the modifications set out in sub-paragraphs (2) and (3).

(2) The modifications of Article 208 are as follows—

- (a) in the heading for “agreement of the employer” there shall be substituted “consultation or agreement”;
- (b) in paragraph (1) for “obtain the agreement of the employer to” there shall be substituted “consult the employer regarding”;
- (c) in paragraph (2) for the words before “(if the employer agrees)” there shall be substituted “After consulting the employer regarding any such matter, the trustees or managers may”;
- (d) paragraph (5) shall be omitted, and
- (e) in paragraph (6), for “(1), (4) or (5)” there shall be substituted “(1) or (4)”.

(3) The modifications of regulation 13 are as follows—

- (a) in the heading for “obtaining employer’s agreement” there shall be substituted “consulting employer”, and
- (b) for “obtain the agreement of the employer to” there shall be substituted “consult the employer regarding”.

(4) Where the power of the trustees or managers to determine the rates of contributions payable by the employer without the employer’s agreement is subject to conditions, the modifications provided for in sub-paragraphs (2) and (3) have effect only in circumstances where the conditions are satisfied.

(5) In the case of a scheme under which the rates of contributions payable by the employer are determined by the actuary without the agreement of the employer, Article 206(6) shall apply as if it required that, in addition to the matters specified there, the actuary’s certificate must state that the rates shown in the schedule of contributions are not lower than the rates he would have provided for if he, rather than the trustees or managers of the scheme, had the responsibility of preparing or revising the schedule, the statement of funding principles and any recovery plan.

(6) In the case to which sub-paragraph (5) applies, regulation 10(6) and Schedule 1 apply as if the form of certification of the adequacy of the rates of contributions shown in the schedule of contributions included an additional statement that—

“I also certify that the rates of contributions shown in this schedule are not lower than I would have provided for had I had responsibility for preparing or revising the schedule, the statement of funding principles and any recovery plan.”.

(7) Where the power of the actuary to determine the rates of contributions payable by the employer without the employer’s agreement is subject to conditions, the modifications provided for in sub-paragraphs (5) and (6) have effect only in circumstances where the conditions are satisfied.