
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 91

**The Pension Protection Fund (Multi-employer Schemes)
(Modification) Regulations (Northern Ireland) 2005**

PART V

**NON-SEGREGATED SCHEMES: SCHEMES WITH A
REQUIREMENT FOR PARTIAL WIND UP ON THE
WITHDRAWAL OF A PARTICIPATING EMPLOYER**

Application and effect

- 45.**—(1) This regulation applies to a non-segregated scheme in circumstances where –
- (a) an insolvency event occurs in relation to an employer in relation to the scheme; or
 - (b) the trustees or managers of the scheme become aware that an employer in relation to the scheme is unlikely to continue as a going concern and meets the requirements prescribed under Article 113(1)(b) (applications and notifications for the purposes of Article 112).
- (2) Where –
- (a) in relation to an employer in relation to a non-segregated scheme, an event described in paragraph (1)(a) or (b) occurs; and
 - (b) the requirement in the scheme rules for the trustees or managers of the scheme to segregate such part of the assets of the scheme as is attributable to the scheme’s liabilities to provide pensions or other benefits to or in respect of the pensionable service of some or all of the members by reference to an employer in relation to the scheme (“the segregation requirement”) would be triggered when an employer in relation to the scheme ceases to participate in the scheme,

the segregation requirement shall, in relation to the employer referred to in sub-paragraph (a), be deemed to have been triggered immediately after the occurrence of the event described in paragraph (1)(a) or (b) and a segregated part of the scheme shall be deemed to have been created for and in respect of any period after the occurrence of that event where a withdrawal event within the meaning of Article 133(2) has not occurred in relation to the segregated part.

- (3) In this Part –

“non-segregated scheme” means a multi-employer scheme which is not divided into two or more sections under the rules of which the trustees or managers are required, in circumstances where an employer in relation to the scheme ceases to participate in the scheme, to segregate such part of the assets of the scheme as is attributable to the scheme’s liabilities to provide pensions or other benefits to or in respect of the pensionable service of some or all of the members by reference to that employer; and

“segregated part” means a section of a non-segregated scheme which is created when a segregation requirement in the scheme rules has been triggered.

- (4) Except as otherwise provided in this Part, in a case where this regulation applies –

- (a) Part III of the Order, except Chapter 4, shall be read as if it contained the modifications provided for by this Part; and
- (b) references in Part III of the Order, except in Chapter 4, to –
 - (i) “scheme rules” shall be read as if they were references to “rules of the scheme which apply to the segregated part”;
 - (ii) “the scheme” shall be read as if they were references to “the segregated part”;
 - (iii) “the employer” shall be read as if they were references to “the employer in relation to the segregated part”; and
 - (iv) “trustees or managers of the scheme” shall, in relation to a segregated part of a non-segregated scheme, be read as if they were references to “trustees or managers with ultimate responsibility for the administration of the segregated part”.
- (5) Paragraph (4) shall not have effect in relation to Article 157 (initial levy).