

SCHEDULE 2

Regulation 5

MATTERS TO BE INCLUDED IN ADMISSION AGREEMENTS WITH TRANSFEREE ADMISSION BODIES

1. A requirement for the transferee admission body to pay to the Committee all contributions and payments due under these Regulations and the Benefits Regulations.

2. If required by regulation 5(5), a reference to the indemnity or bond in accordance with regulation 5(6) and a warranty from the transferee admission body that such an indemnity or bond is in place.

3. A provision requiring the transferee admission body to adopt the practices and procedures relating to the operation of the Scheme set out in these Regulations, the Benefits Regulations, the Transitional Regulations and in any employer's guide published by the Committee and provided to the transferee admission body.

4. An undertaking from the transferee admission body to the Committee that it will not do anything to prejudice the status of the Scheme as a registered scheme.

5. A representation and warranty from the transferee admission body to the Committee that all the body's employees or class of employees who are specified as members are employed in connection with the provision of the service or assets being carried out by the transferee admission body as a result of those matters referred to in regulation 5(2).

6. An undertaking from the transferee admission body that it will promptly notify the Committee in writing of any material change in the terms and conditions of employment which affect entitlement to benefits under the Scheme for its employees who are members and of any terminations of employment by virtue of redundancy or in the interests of efficiency.

7. A requirement that the transferee admission body notifies the Committee of each occasion on which it exercises a discretion under these Regulations, the Benefits Regulations or the Transitional Regulations and the manner in which it exercises that discretion.

8. A requirement that a transferee admission body—

- (a) notifies the Committee of any matter which may affect, or is likely to affect, its participation in the Scheme; and
- (b) gives immediate notice to the Committee of any actual or proposed change in its status which may give rise to a termination,

and, for these purposes, a termination includes a take-over, reconstruction or amalgamation, liquidation or receivership and a change in the nature of the body's business or constitution.

9. A provision—

- (a) for automatic termination of the admission agreement, as required by regulation 6(2), if the transferee admission body ceases to be such a body; and
- (b) otherwise for a minimum period of 3 months' notice to terminate the agreement.

10. A right for the Committee to terminate the agreement in the event of—

- (a) the insolvency, winding up or liquidation of the transferee admission body;
- (b) a breach by the transferee admission body of any of its obligations under the admission agreement (but where the breach is capable of remedy only where it has not been remedied within a reasonable time); or
- (c) a failure by the transferee admission body to pay any sums due to the fund within a reasonable period after receipt of a notice from the Committee requiring it to do so.

Status: This is the original version (as it was originally made).

11. A requirement that the admission agreement in its final form shall be available for public inspection at the appropriate offices of the Committee.
12. In relation to a transferee admission body under regulation 5(2)(a)—
 - (a) a reference to the date of the contract, other arrangement or direction by which the body met the requirements of that regulation;
 - (b) a provision whereby the employing authority may set off against any payments due to the transferee admission body an amount equal to any overdue employer and employee contributions and other payments (and interest payable under these Regulations) due from the transferee admission body as an employing authority;
 - (c) a provision requiring the employing authority to keep under assessment the level of risk arising as a result of the matters set out in regulation 5(5);
 - (d) provision that where a representation or notification must be given to the Committee under paragraph 5, 6, 7 or 8, it must also be given to the employing authority; and
 - (e) a requirement that the admission agreement in its final form shall be available for public inspection at the appropriate offices of the employing authority, if different from the Committee.