
DRAFT STATUTORY INSTRUMENTS

2005 No.

The Pensions (Northern Ireland) Order 2005

PART III

THE BOARD OF THE PENSION PROTECTION FUND

CHAPTER 2

INFORMATION RELATING TO EMPLOYER'S INSOLVENCY ETC.

Status of scheme

Approval of notices issued under Article 106

107.—(1) This Article applies where the Board receives a notice under Article 106(6) (“the Article 106 notice”).

(2) The Board must determine whether to approve the Article 106 notice.

(3) The Board must approve the Article 106 notice if, and only if, it is satisfied—

- (a) that the insolvency practitioner or former insolvency practitioner who issued the notice was required to issue it under that Article, and
- (b) that the notice complies with any requirements imposed by virtue of paragraph (8) of that Article.

(4) Where the Board makes a determination for the purposes of paragraph (2), it must issue a determination notice and give a copy of that notice to—

- (a) the Regulator,
- (b) the trustees or managers of the scheme,
- (c) the insolvency practitioner or the former insolvency practitioner who issued the Article 106 notice,
- (d) any insolvency practitioner in relation to the employer (who does not fall within subparagraph (c)), and
- (e) if there is no insolvency practitioner in relation to the employer, the employer.

(5) In paragraph (4) “determination notice” means a notice which is in the prescribed form and contains such information about the determination as may be prescribed.