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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**The Pensions (Northern Ireland) Order 2005**

**PART III**

**THE BOARD OF THE PENSION PROTECTION FUND**

**CHAPTER 3**

**PENSION PROTECTION**

*Cessation of involvement with a scheme*

**Circumstances in which Board ceases to be involved with an eligible scheme**

**133.**—(1) Where an assessment period begins in relation to an eligible scheme, the Board ceases to be involved with the scheme, for the purposes of this Part, on the occurrence of the first withdrawal event after the beginning of that period.

(2) For this purpose the following are withdrawal events in relation to a scheme—

- (a) a withdrawal notice issued under Article 106(2)(b) (scheme rescue has occurred) becoming binding;
- (b) a withdrawal notice issued under Article 114(3) (scheme rescue has occurred) becoming binding;
- (c) a withdrawal notice issued under or by virtue of Article 130 or 131 (refusal to assume responsibility) becoming binding;
- (d) a withdrawal notice issued under Article 132 (no insolvency event has occurred or is likely to occur) becoming binding,

and references in this Chapter to a “withdrawal event” are to be construed accordingly.

(3) Paragraph (4) applies where a withdrawal notice mentioned in paragraph (2) is issued in relation to a scheme and becomes binding and—

- (a) an insolvency event in relation to the employer occurs during the interim period and, if paragraph (4) did not apply, the event would not be a qualifying insolvency event within the meaning given by paragraph (3) of Article 111 solely because the condition in head (ii) of sub-paragraph (b) of that paragraph would not be satisfied, or
- (b) an application under Article 113(1) is made, or a notification under Article 113(5)(a) is given, in relation to the scheme during the interim period and, if paragraph (4) did not apply, the application or notification would be disregarded for the purposes of—
  - (i) paragraph (1) of Article 112 by virtue of paragraph (4) of that Article, and
  - (ii) paragraph (4) of Article 116 by virtue of paragraph (5) of that Article.

(4) In such a case, the withdrawal notice is to be treated for the purposes of paragraphs (1) and (2), as if the time when it became binding was the time immediately before—

- (a) in a case falling within paragraph (3)(a), the occurrence of the insolvency event, and

- (b) in a case falling within paragraph (3)(b), the making of the application under Article 113(1) or, as the case may be, the giving of the notification under Article 113(5)(a).
  - (5) For the purposes of paragraph (3), the “interim period” in relation to a scheme means the period beginning with the issuing of the withdrawal notice in relation to the scheme and ending with that notice becoming binding.
  - (6) For the purposes of this Chapter—
    - (a) the occurrence of a withdrawal event in relation to a scheme in respect of a withdrawal notice issued during a particular period (“the specified period”) is a possibility until each of the following is no longer reviewable—
      - (i) any withdrawal notice which has been issued in relation to the scheme during the specified period;
      - (ii) any failure to issue such a withdrawal notice during the specified period;
      - (iii) any notice which has been issued by the Board under Chapter 2 or this Chapter which is relevant to the issue of a withdrawal notice in relation to the scheme during the specified period or to such a withdrawal notice which has been issued during that period becoming binding;
      - (iv) any failure to issue such a notice as is mentioned in head (iii), and
    - (b) the issue of, or failure to issue, a notice is to be regarded as reviewable—
      - (i) during the period within which it may be reviewed by virtue of Chapter 6, and
      - (ii) if the matter is so reviewed, until—
        - (a) the review and any reconsideration,
        - (b) any reference to the PPF Ombudsman in respect of the matter, and
        - (c) any appeal against his determination or directions,
- has been finally disposed of.