

SCHEDULE 5

MODIFICATIONS

Multi-employer schemes

2.—(1) In the application of section 58(4) to a scheme in relation to which there is more than one employer (other than a scheme to which paragraph 1(1) or (2) applies), paragraph (a) of that section has effect with the substitution for the word “employer” of the words “the person whom the employers nominate to act as their representative for the purposes of this paragraph or, if no such nomination is made, all the employers”.

(2) In the application of regulation 23 to such a scheme the reference to members in paragraph (1) (b) only includes the members whose pensionable service under the scheme is with the employer whose default is being notified.

(3) Subject to sub-paragraphs (4) and (5), in the application of regulations 25 and 26 to such a scheme, references to the employer are to be taken as references to all the employers.

(4) In the case of a scheme where the employers are not all persons who are associated or connected (within the meaning of section 123), an application under regulation 25(1) or 26(1) may be made—

- (a) by the trustees or managers;
- (b) by all the employers; or
- (c) by the employers of at least two-thirds of the active members of the scheme.

(5) In the case of an application by virtue of sub-paragraph (4)(c), regulation 25(2) to (5) and regulation 26(2) shall apply as if there were no employers other than the applicant or applicants.