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STATUTORY INSTRUMENTS

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**1996 No. 3126**

**The Occupational Pension Schemes  
(Winding Up) Regulations 1996**

*Modifications affecting certain schemes*

**Winding up of sectionalised schemes etc.**

**12.**—(1) Where section 56 applies to a salary related occupational pension scheme as if different parts of the scheme were separate schemes, section 73 shall apply where such a part of the scheme is being wound up as it applies where the whole of a scheme is being wound up, but—

- (a) taking references to the assets of the scheme as references only to those assets treated for the purposes of section 56 as assets of that part; and
- (b) taking references to the liabilities of the scheme, or any particular description of liabilities, as references only to such liabilities of the scheme or, as the case may be, of that description, as are treated for the purposes of section 56 as liabilities of that part.

(2) In relation to a scheme to which section 56 applies as if different parts of the scheme were separate schemes, section 74 shall apply as if those parts were separate schemes and with the modifications mentioned in paragraph (1)(a) and (b).

(3) Where by virtue of paragraph 1 of Schedule 5 to the MFR Regulations (sectionalised multi-employer schemes) section 56 applies to a trust scheme as if different parts of the scheme were separate schemes, section 38 and regulation 10 (except paragraph (1)(e) of that regulation) shall also so apply.

(4) Where any provision of this regulation applies in relation to a scheme, then references to the scheme and its members in the provisions of other regulations shall be construed accordingly.

**Hybrid schemes**

**13.**—(1) In relation to any scheme—

- (a) which is not a money purchase scheme, but
- (b) where some of the benefits that may be provided are relevant money purchase benefits,

section 73 applies as if—

- (i) the liabilities of the scheme did not include liabilities in respect of those benefits, and
- (ii) the assets of the scheme did not include the assets by reference to which the rate or amount of those benefits is calculated.

(2) In paragraph (1) “relevant money purchase benefits” means money purchase benefits other than—

- (a) benefits derived from the payment by any member of voluntary contributions, or
- (b) underpin benefits.

(3) In this regulation “underpin benefits” means money purchase benefits which under the provisions of the scheme will only be provided in respect of a member if their value exceeds the value of other benefits in respect of him under the scheme which are not money purchase benefits.

(4) Where a scheme which is not a money purchase scheme may provide underpin benefits, the amount of the liability for those benefits shall be calculated in accordance with regulation 4 (but omitting paragraphs (1)(c) and (3) to (5) of that regulation).

(5) If in the case of a scheme to which paragraph (1) applies—

- (a) the aggregate value of the assets of the scheme has been reduced, and
- (b) there are reasonable grounds for believing that the reduction is attributable to an act or omission constituting an offence prescribed for the purposes of section 81(1)(c),

then, for the purposes of section 73 as it applies by virtue of paragraph (1), the values of the assets excluded by paragraph (1)(ii) and of the other assets shall be taken to be equal to their values apart from the reduction, less in the case of each asset so much of the reduction as its value bears to the aggregate value of the assets of the scheme apart from the reduction.

(6) This regulation does not affect section 73 as it applies for the purposes of the MFR Regulations and the guidance in GN 27 (as that guidance applies for the purposes of those Regulations).

(7) In paragraph (6) “GN 27” means the guidelines on minimum funding requirement (GN 27), prepared and published by the Institute of Actuaries and the Faculty of Actuaries<sup>(1)</sup> and approved for the purposes of the MFR Regulations by the Secretary of State.

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(1) Copies of GN 27 may be obtained from the Faculty of Actuaries 17 Thistle Street, Edinburgh, EH2 1DF.