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## STATUTORY INSTRUMENTS

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### 2005 No. 703

#### The Occupational Pension Schemes (Independent Trustee) Regulations 2005

##### Cases where a partnership is the employer

**11.**—(1) Sections 22 to 26 of the 1995 Act are modified as specified in paragraphs (2) and (3) of this regulation in their application to any case where—

- (a) a partnership is the employer or one of the employers in relation to a trust scheme;
- (b) the partnership is insolvent; and
- (c) the courts of England and Wales have jurisdiction to wind up the insolvent partnership.

(2) Section 22(1) shall be modified so as to apply in relation to the scheme—

- (a) if a person begins to act as an insolvency practitioner in relation to the insolvent partnership; or
- (b) if the official receiver becomes the liquidator or provisional liquidator of the insolvent partnership.

(3) Where, by virtue of paragraph (2), section 22 applies in relation to the scheme, subsections (2) to (3) of that section <sup>M1</sup> and sections 23 to 26 <sup>M2</sup> shall have effect as if references in those provisions to a company included references to the insolvent partnership.

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##### Marginal Citations

**M1** [Section 22\(2\)](#) by, and section 22(2A) to (2F) inserted by, section 36 of the 2004 Act, and section 22(3) is amended by section 47(1) of the Child Support, Pensions and Social Security Act 2000 and by section 319(1) of, and paragraphs 34 and 40 of Schedule 12 to, the 2004 Act.

**M2** [Sections 23](#) and 24 are substituted by section 36 of the 2004 Act; [sections 25](#) and 26 are amended by section 36, 319(1) and 320 of, and paragraphs 34, 41 and 42 of Schedule 12 and Part 1 of Schedule 13 to, the 2004 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational Pension Schemes (Independent Trustee) Regulations 2005, Section 11.