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STATUTORY INSTRUMENTS

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**2018 No. 237**

**The Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations 2018**

**Amendments to regulation 2**

3.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “the corresponding assets”(1) insert—

““deferred debt arrangement” means an arrangement that takes effect in accordance with regulation 6F(2);”;

(b) in the definition of “employer”(3), after “6,” insert “6A, 6F,”;

(c) after the definition of “frozen scheme”(4) insert—

““the FSD Regulations” means the Pensions Regulator (Financial Support Directions etc.) Regulations 2005(5);”.

(3) In paragraph (3A)(6) in the definition of “receiving employer” for sub-paragraph (b)(ii) substitute—

“(ii) not associated but falls within paragraph (3B)(7),”.

(4) After paragraph (3A), insert—

“(3B) An employer falls within this paragraph where it is—

(a) a limited company, limited partnership or limited liability partnership;

(b) a charitable company; or

(c) a CIO.

(3C) For the purposes of paragraph (3B)—

(a) “charitable company”—

(i) in relation to England and Wales, has the meaning given by section 193 of the Charities Act 2011(“the 2011 Act”)(8); and

(ii) in relation to Scotland, has the meaning given by section 112 of the Companies Act 1989(9);

(b) “CIO”—

(i) in relation to England and Wales, means a charitable incorporated organisation within the meaning of Part 11 of the 2011 Act; and

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(1) The definition of “the corresponding assets” was inserted by [S.I. 2008/731](#).

(2) Regulation 6F is inserted by regulation 7 of these Regulations.

(3) The definition of “employer” was amended by [S.I. 2008/731](#).

(4) The definition of “frozen scheme” was inserted by [S.I. 2008/731](#).

(5) [S.I. 2005/2188](#). Relevant amending instruments are [S.I. 2005/2224](#), [2008/731](#), [2009/617](#), [2010/725](#) and [2011/2973](#).

(6) Paragraph (3A) was inserted by [S.I. 2010/725](#).

(7) Paragraph (3B) was inserted by these Regulations.

(8) [2011 c.25](#).

(9) [1989 c.40](#). Section 112 was amended by [S.I. 2006/242](#) and [S.I. 2009/1941](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (ii) in relation to Scotland, means a Scottish charitable incorporated organisation within the meaning of section 49 of the Charities and Trustee Investment (Scotland) Act 2005<sup>(10)</sup>;
  - (c) “limited company” has the meaning given by section 3(1) of the Companies Act 2006<sup>(11)</sup>Act;
  - (d) “limited liability partnership” has the meaning given by section 1(2) of the Limited Liability Partnerships Act 2000<sup>(12)</sup>; and
  - (e) “limited partnership” has the meaning given by section 4 of the Limited Partnerships Act 1907<sup>(13)</sup>.
- (3D) Where regulation 6F(6)(f) applies, the definitions of “exiting employer” and “receiving employer” in paragraph (3A) shall be deemed to include deferred employers.”.
- (5) After paragraph (4D)<sup>(14)</sup> insert—
- “(4E) For the purposes of these Regulations “deferred employer” in relation to a multi-employer scheme means a person—
- (a) who formerly employed at least one active member of the scheme in respect of whom defined benefits were accruing;
  - (b) in respect of whom a relevant event has not occurred; and
  - (c) who—
    - (i) has proposed to the trustees or managers of the scheme to enter into a deferred debt arrangement; and
    - (ii) having made that proposal, is participating in a deferred debt arrangement.”.

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<sup>(10)</sup> 2005 asp 10.

<sup>(11)</sup> 2006 c. 26.

<sup>(12)</sup> 2000 c.12.

<sup>(13)</sup> 1907 c.24. Section 4 was amended by the Statute Law Revision Act 1927 (c.24), S.I.s 2003/2904, 2003/3203 and 2017/514. Section 4 was modified by S.I.s 2013/1388 and 2015/1882.

<sup>(14)</sup> Paragraph (4D) was inserted by S.I. 2008/731.