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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 581**

**The Occupational Pension Schemes (Cross-border Activities) Regulations (Northern Ireland) 2005**

**Meaning of “European employer” and “host member State” in Part VII of the Order**

3.—(1) Subject to paragraphs (2) to (4), in Part VII of the Order “European employer”, in relation to a scheme, means a person who either—

- (a) employs qualifying persons, or
- (b) is a qualifying self-employed person, and

is making (or proposes to make) contributions to that scheme either in respect of a qualifying person or in respect of himself as a qualifying self-employed person.

(2) An employer is not to be regarded as a European employer in relation to any persons whom he employs who are not qualifying persons.

(3) Where—

- (a) the Regulator has approved the trustees or managers of a scheme in relation to a European employer, and
- (b) benefits are, or will become, payable under the scheme rules to or in respect of any member who is or was a qualifying person in relation to that European employer, or to or in respect of any member who is or was a qualifying self-employed person,

“European employer” shall include the persons specified in paragraph (4).

(4) The persons referred to in paragraph (3) are—

- (a) in a case where the approval was granted in relation to a body corporate which has since ceased to be an employer of qualifying persons, that body corporate,
- (b) in a case where—
  - (i) the approval was granted in relation to a European employer who is not a body corporate, and
  - (ii) that European employer has ceased to be an employer of qualifying persons, the person who was the employer of qualifying persons who were, in accordance with that approval, members of the scheme immediately before the time at which the scheme ceased to have any such active members, and
- (c) in a case where the approval was granted in relation to a qualifying self-employed person who has ceased to be such a person, that person.

(5) In Part VII of the Order “host member State”, in relation to a European employer, means—

- (a) where that European employer is specified in a notice of intention, any member State other than the United Kingdom where—
  - (i) that European employer has employees who are qualifying persons, or
  - (ii) that European employer is a qualifying self-employed person, or

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- (b) where the Regulator has approved the trustees or managers of a scheme in relation to that European employer, the member State or States other than the United Kingdom where—
  - (i) that European employer has or had employees who are or were members of the scheme, or
  - (ii) in the case of a self-employed person who is or was a member of the scheme, that self-employed person is or was a qualifying self-employed person.