
STATUTORY INSTRUMENTS

2005 No. 72

The Occupational Pension Schemes (Winding Up, Deficiency on Winding Up and Transfer Values) (Amendment) Regulations 2005

Amendment of the Winding Up Regulations

2.—(1) The Winding Up Regulations shall be amended as provided for by the following paragraphs of this regulation.

(2) In regulation 4(1) (calculation of amounts of liabilities) for “regulations 4A and 4B” there shall be substituted “regulations 4A to 4C”.

(3) At the beginning of regulation 4B(1) (calculation of liabilities where employer not insolvent and where winding up commences on or after 11th June 2003) there shall be inserted “Subject to regulation 4C.”.

(4) After regulation 4B there shall be inserted the following regulation—

“Calculation of liabilities where winding up commences, and date of calculation falls, on or after 15 February 2005

4C.—(1) This regulation shall apply in the case of a scheme which begins to wind up on or after 15 February 2005 (“the commencement date”), and the date by reference to which the liabilities and assets of the scheme are determined, calculated and verified for the purposes of section 75 is a date falling on or after the commencement date.

(2) In the case of a scheme to which this regulation applies, regulation 4 shall have effect as if—

(a) for the words “paragraph (3)” in paragraph (1)(c), there were substituted the words “paragraphs (2A) and (3)”;

(b) after paragraph (2) there were inserted the following paragraph—

“(2A) For the purpose of calculating the amount of the liabilities for the accrued rights to any pensions or other benefits of members of the scheme (including any increase to a pension) and for any future pensions, or other future benefits, attributable (directly or indirectly) to pension credits (including any increase to a pension) that have arisen on or before the crystallisation date or, as the case may be, the amount of the liabilities for any entitlement of members of the scheme to the payment of any pension or other benefit (including any increase to a pension) that has arisen on or before that date—

(a) it shall be assumed that all such liabilities will be discharged by the purchase of annuities of a kind described in section 74(3)(c); and

(b) paragraph (1)(b) above shall not have effect.”; and

(c) in paragraph (5) there were substituted the words “section 73(3)” for the words “section 73(3)(aa) or (b)”.