STATUTORY RULES OF NORTHERN IRELAND

2010 No. 32

PENSIONS

The Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2010

Made - - - - 15th February 2010

Coming into operation 8th March 2010

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 110(1)(b), 130(1), 164(5), 165(5), 168(4)(a), 171(1), (4), (6) and (11), 185(1) and 280(3) of the Pensions (Northern Ireland) Order 2005(**1**).

Citation and commencement

1. These Regulations may be cited as the Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2010 and shall come into operation on 8th March 2010.

Amendment of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations

2.—(1) The Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations (Northern Ireland) 2005(**2**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) after the definition of "partially guaranteed scheme" add—

""secured part" means any part of a partially guaranteed scheme which is not an unsecured part;

"the Treaty" means the Treaty on the Functioning of the European Union(**3**).".

(3) In regulation 2 (modification of Part III of the Order)—

(a) the provisions of the regulation shall become paragraph (1) of the regulation;

(b) in paragraph (1) for "these Regulations" substitute "regulations 3 to 11";

(c) after paragraph (1) add—

(**1**) S.I. 2005/255 (N.I. 1); Part III is modified in its application to partially guaranteed schemes, hybrid schemes and multi-employer schemes by, respectively, S.R. 2005 Nos. 55, 84 and 91 (as amended by S.R. 2005 Nos. 194 and 357 and S.R. 2008 No. 132)

(**2**) S.R. 2005 No. 55

(**3**) O.J. No. C115, 9.5.08, p.47

"(2) Paragraph (1) shall not apply where it would give rise to State aid that is incompatible with the internal market within the meaning of Article 107 of the Treaty.

(3) Regulations 2A and 11 shall apply where paragraph (1) does not apply to a partially guaranteed scheme by virtue of paragraph (2).".

(4) After regulation 2 insert—

"**Schemes to which regulation 2(1) does not apply**

2A.—(1) This regulation applies to a partially guaranteed scheme to which paragraph (1) of regulation 2 does not apply by virtue of paragraph (2) of that regulation.

(2) Part III of the Order (the Board of the Pension Protection Fund) shall apply to a scheme referred to in paragraph (1) as if the unsecured part and the secured part of the scheme were separate schemes.

(3) Each part of the scheme referred to in paragraph (1) is an eligible scheme within the meaning of Article 110(1) for the purposes of Part III of the Order.".

(5) In regulation 3 (application and effect) after paragraph (4) add—

"(5) Article 158(2)(a)(i) (pension protection levies) applies as if, for "a scheme's assets" there were substituted "the assets of the unsecured part of a scheme".".

Amendment of the Pension Protection Fund (Entry Rules) Regulations

3.—(1) The Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005(**4**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (schemes which are not eligible schemes) after paragraph (1) insert—

"(1A) Paragraph (1)(d) shall not apply where it would give rise to State aid that is incompatible with the internal market within the meaning of Article 107 of the Treaty on the Functioning of the European Union.".

(3) In regulation 21 (refusal to assume responsibility – schemes which become eligible schemes) after paragraph (2) add—

"(3) This regulation shall not apply where either—

(a) regulation 2(1A) of these Regulations, or

(b) regulation 2A of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations (Northern Ireland) 2005 (schemes to which regulation 2(1) does not apply),

applies to a scheme.".

Amendment of the Pension Protection Fund (Reviewable Matters) Regulations

4. In regulation 3 of the Pension Protection Fund (Reviewable Matters) Regulations (Northern Ireland) 2005(**5**) (modification of Schedule 8)—

(a) the provisions of the regulation shall become paragraph (1) of the regulation;

(b) after paragraph (1) add—

"(2) Paragraph (1) shall not apply where regulation 2A of the Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations (Northern Ireland) 2005 (schemes to which regulation 2(1) does not apply) applies to a scheme.".

(**4**) S.R. 2005 No. 126 to which there are amendments not relevant to these Regulations
(**5**) S.R. 2005 No. 127