STATUTORY RULES OF NORTHERN IRELAND

2005 No. 127

PENSIONS

The Pension Protection Fund (Reviewable Matters) Regulations (Northern Ireland) 2005

Made - - - -	*16th March 2005*
Coming into operation	*6th April 2005*

The Department for Social Development, in exercise of the powers conferred on it by Articles 188(2)(a) and (4)(a) and 280(3) of the Pensions (Northern Ireland) Order 2005(**1**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Reviewable Matters) Regulations (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

(2) In these Regulations "the Order" means the Pensions (Northern Ireland) Order 2005 and any reference to a numbered Article or Schedule is a reference to the Article of, or the Schedule to, the Order bearing that number.

Reviewable matters: failures by the Board

2. Any reference in any paragraph of Schedule 8 (reviewable matters) specified in column 1 of the Schedule to these Regulations to a failure by the Board to do any act or make any determination is to be construed as a reference to a failure by the Board to do the act or make the determination within the period specified in the corresponding paragraph in column 2 of that Schedule.

Modification of Schedule 8

3. In relation to a partially guaranteed scheme, Schedule 8 applies as if –

(a) in paragraph 8 after "valuation" there were inserted "of the unsecured part";

(b) in paragraph 9 after "respect" there were inserted "of the unsecured part"; and

(c) after paragraph 15 there were inserted the following paragraphs –

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

"**15A.** The failure by the Board to obtain an actuarial valuation of the assets and protected liabilities of the unsecured part of an eligible scheme under Article 144(4A)(**2**).

15B. The approval of, or failure to approve, a valuation of the assets and protected liabilities of the unsecured part of an eligible scheme under Article 128(2) as applied for the purposes of Article 144(4A).".

Amendment of Schedule 8

4. In Schedule 8 –

(a) after paragraph 3 there shall be inserted the following paragraph –

"**3A.** The issue of, or failure to issue, a validation notice under regulation 2(5) of the Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005(**3**).''; and

(b) after paragraph 17 there shall be inserted the following paragraph –

"**17A.** The making of a payment under Article 150(2) (amount of any pensions or other benefits which a person had become entitled to payment of under the scheme rules), the amount of any such payment or the failure to make such a payment.".

Sealed with the Official Seal of the Department for Social Development on 16th March 2005.

John O'Neill
A senior officer of the
Department for Social Development

(**2**) Paragraph (4A) was inserted by regulation 10(1)(a) of S.R. 2005 No. 55
(**3**) S.R. 2005 No. 126

SCHEDULE

Regulation 2

Column 1 *Paragraph of Schedule 8 which specifies the failure*	Column 2 *Prescribed period*
1. Paragraph 2	1. The period beginning with the 15th day after the date on which the Board receives a copy of a notice under Article 106(6) to the date on which the Board issues a determination notice under Article 107(4).
2. Paragraph 3	2. Where – (a) Article 108(1)(a) applies, the period beginning with the 22nd day after the date on which the Board issues a determination notice under Article 107(4) not to approve the Article 106 notice to the date on which – (i) the Board issues a notice under Article 106 by virtue of Article 108(2), or (ii) a notice issued under Article 106 is binding under Article 109; (b) Article 108(1)(b) applies, the period beginning with the 29th day after the date on which the Board has sufficient information for it to be satisfied that an insolvency practitioner or former insolvency practitioner ought to have issued a notice under Article 106 to the date on which – (i) the Board issues a notice under Article 106 by virtue of Article 108(2), or (ii) a notice issued under Article 106 is binding under Article 109.
3. Paragraph 3A	3. The period beginning with – (a) the 29th day after the date on which the Board receives the written estimate of the value of assets and liabilities from the actuary under regulation 2(3)(a)(iii) of the Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005; or (b) the 15th day after the date on which the Board receives any document

Column 1 *Paragraph of Schedule 8 which specifies the failure*	Column 2 *Prescribed period*
	requested or information required by a notice given under Article 173(2), whichever is the later, to the date on which the Board issues a validation notice under regulation 2(5) of those Regulations.
4. Paragraph 4	4. In respect of – (a) a scheme failure notice under Article 114(2), the period beginning with the 15th day after the date on which the Board is able to confirm, in accordance with Article 114(5)(b), that a scheme rescue is not possible to the date on which – (i) the Board issues a scheme failure notice under Article 114(2), or (ii) a withdrawal notice issued under Article 114(3) is binding; (b) a withdrawal notice under Article 114(3), the period beginning with 15th day after the date on which the Board is able to confirm, in accordance with Article 114(5)(a), that a scheme rescue has occurred to the date on which – (i) the Board issues a withdrawal notice under Article 114(3), or (ii) a scheme failure notice issued under Article 114(3) is binding.
5. Paragraph 7	5. The period beginning with the 15th day after the date on which the terms of the loan have been agreed to the date on which the Board makes a loan under Article 123(2).
6. Paragraph 9	6. Unless Article 128(3) applies, the period beginning two months after the date on which the Board obtains a valuation in accordance with Article 127 to the date on which the Board gives a copy of the approved valuation to the persons specified in Article 128(2)(b).
7. Paragraph 10	7. In the case of a withdrawal notice under – (a) Article 130(2)(a), the period beginning with the 15th day after the date on which the Board has sufficient information to be satisfied that an eligible scheme was not such