
STATUTORY INSTRUMENTS

2014 No. 1664

PENSIONS

The Pension Protection Fund (Entry Rules) (Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>25th June 2014</i>
<i>Laid before Parliament</i>		<i>30th June 2014</i>
<i>Coming into force</i>	- -	<i>21st July 2014</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 121(5) and (9)(b), 315(2) and (5) and 318(1) of the Pensions Act 2004(1).

In accordance with section 317(1) of that Act, the Secretary of State has consulted with such persons as the Secretary of State considers appropriate.

Citation, commencement and expiry

1. (1) These Regulations may be cited as the Pension Protection Fund (Entry Rules) (Amendment) Regulations 2014 and come into force on 21st July 2014.
- (2) These Regulations and the amendments they make cease to have effect on 21st July 2017.

Amendment of the Pension Protection Fund (Entry Rules) Regulations 2005

2. (1) The Pension Protection Fund (Entry Rules) Regulations 2005(2) are amended as follows.
- (2) After regulation 5 (prescribed insolvency events) insert—

“European insolvency event

- 5A. (1) An insolvency event occurs in relation to an employer on the fifth anniversary of the date that the insolvency proceedings mentioned in paragraph (2)(a) were commenced.
- (2) The insolvency proceedings are proceedings which—
 - (a) on 20th July 2014—

(1) 2004 c.35. Section 318(1) is cited for the meaning given to “prescribed” and “regulations”.
(2) S.I. 2005/590.

- (i) relate to an employer which has the centre of its main interests in the territory of a Member State of the European Economic Area other than the United Kingdom;
 - (ii) have been commenced in that Member State; and
 - (iii) have not come to an end;
- (b) relate to an employer in relation to which a winding up order as mentioned in section 121(3)(g) of the Act (insolvency events) was granted and which was later set aside by the court on the basis that the court did not have jurisdiction to grant the order because the employer did not have an establishment in the United Kingdom; and
- (c) relate to an employer in relation to an occupational pension scheme in respect of which an assessment period would have begun as a result of the grant of the winding up order mentioned in sub-paragraph (b) had that order not been set aside.
- (3) The insolvency practitioner is the liquidator in relation to the insolvency proceedings mentioned in paragraph (2)(a)(i).
- (4) Regulation 9(3) applies in relation to an insolvency event mentioned in paragraph (1) as if “company” included an employer mentioned in paragraph (2)(a) which is not a partnership or an individual.
- (5) In this regulation—
- (a) “establishment”, “insolvency proceedings” and “liquidator” each has the meaning given by Article 2 of Council Regulation (EC) No. 1346/2000(4) on insolvency proceedings;
 - (b) “centre of its main interests” is to be construed in accordance with Article 3 of that Regulation.”.
- (3) In regulation 6(5) (circumstances in which insolvency proceedings in relation to the employer are stayed or come to an end)—
- (a) in paragraph (1), at the beginning, insert “subject to paragraph (1A),”; and
 - (b) after paragraph (1) insert—
 - “(1A) This regulation does not apply in relation to an insolvency event under regulation 5A.”.

Signed by authority of the Secretary of State for Work and Pensions

25th June 2014

Steve Webb
Minister of State
Department for Work and Pensions

(3) Regulation 9 was amended by [S.I. 2005/993](#).

(4) O.J. No. L 160 30.06.2000, p5.

(5) Regulation 6(1) was amended by [S.I. 2009/317](#) and [2010/1189](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pension Protection Fund (Entry Rules) Regulations 2005 ([S.I. 2005/590](#)) (“the 2005 Regulations”).

Regulation 2 inserts a new regulation 5A into the 2005 Regulations so that certain employers that have the centre of their main interests in a Member State of the European Economic Area, other than the United Kingdom, can, in certain limited circumstances, undergo an insolvency event for the purposes of Part 2 of the Pensions Act 2004 ([c.35](#)). Regulation 2 also makes a consequential amendment to regulation 6 of the 2005 Regulations so that it does not apply in relation to an insolvency event under the new regulation 5A.

These Regulations cease to have effect on 21st July 2017.

A full impact assessment has not been prepared in relation to this Instrument as it has no impact on business, civil society organisations or the public sector.