

**2013 No. [ ]**

**PENSIONS**

**The Occupational Pension Schemes (Employer Debt)  
(Miscellaneous Amendment) Regulations 2013**

*Made* - - - - - \*\*\*

*Laid before Parliament* \*\*\*

*Coming into force* - - - - - *1st October 2013*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 75(5), 75A(1) to (3), 124(1), 125(3) and 174(2) and (3) of the Pensions Act 1995(a).

In accordance with section 120(1) of the Pensions Act 1995, the Secretary of State has consulted such persons as the Secretary of State considers appropriate before making these Regulations.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Occupational Pension Schemes (Employer Debt) (Miscellaneous Amendment) Regulations 2013.

(2) These Regulations come into force on [1 October 2013].

**Amendment of the Occupational Pension Schemes (Employer Debt) Regulations 2005**

**2.** In the definition of “receiving employer” in paragraph (3A)(b) of regulation 2 of the Occupational Pension Schemes (Employer Debt) Regulations 2005(c) (interpretation) for paragraph (b) substitute—

“(b) associated within the meaning in section 435 of the Insolvency Act 1986 or section 74 of the Bankruptcy (Scotland) Act 1985) with the exiting employer,”.

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

*Steve Webb*  
Minister of State

[Date]

Department for Work and Pensions

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(a) 1995 c.26. Section 75 was amended by section 271 of the Pensions Act 2004 (c.35) and section 75A was inserted by section 272 of that Act. Section 124(1) is cited for the meaning it gives to “prescribed” and “regulations”.  
(b) Paragraph (3A) was inserted by S.I. 2010/725.  
(c) S.I. 2005/678. Amending instruments are S.I.s 2005/ 2224, 3377 and 3378, 2006/467 and 558, 2007/60, 2008/731 and 1068, 2009/1906, 2010/725, 2011/2973 and 2012/1817.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Occupational Pension Schemes (Employer Debt) Regulations 2005 (S.I. 2005/678) (“the 2005 Regulations”). Those Regulations contain provisions about debts arising under section 75 of the Pensions Act 1995 (c.26) (“section 75 debt”) in respect of occupational pension schemes.

Regulation 2 amends the definition of “receiving employer” in Regulation 2(3A) of the 2005 Regulations. The definition is relevant to Regulations 6ZA to 6ZD of the 2005 Regulations which make provision for the treatment of section 75 debts where associated multi-employer schemes restructure within the meaning of those regulations. The provisions allow for the employer to stop participating in the scheme without being required to pay a section 75 debt to the scheme. The amendment removes from the scope of the definition employers who are the new legal status of the exiting employer. “Exiting employer” is defined in Regulation 2(3A) of the 2005 Regulations.

[A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.]