
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 193

The Pension Protection Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 2007

Amendment of the Pension Protection Fund (Valuation) Regulations

3.—(1) The Pension Protection Fund (Valuation) Regulations (Northern Ireland) 2005(1) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “pension credit rights” insert—

““pre-6th April 1997 contract of insurance” means a contract of insurance that—

- (i) falls within the definition of a relevant contract of insurance in Article 145(8) of the Order (effect of Board assuming responsibility for a scheme);
- (ii) was taken out before 6th April 1997; and
- (iii) the trustees or managers are, or should reasonably be, aware of;”;

(b) for the definition of “relevant accounts” substitute—

““relevant accounts” for the purposes of identifying and valuing the assets of a scheme, means audited accounts for the scheme which—

- (a) contain the information specified in the Schedule(2);
- (b) show a true and fair value of—
 - (i) the financial transactions of the scheme during the period to which the accounts relate (“the accounting period”);
 - (ii) the amount and disposition of the assets at the end of the accounting period; and
 - (iii) the liabilities of the scheme, other than the liabilities to pay pensions and benefits, after the end of the accounting period;
- (c) include a report by the auditor in writing as to whether or not, in his opinion, the requirements of paragraphs (a) and (b) are satisfied; and
- (d) are prepared in respect of a period ending with the relevant time of the valuation;”.

(3) In regulation 2 (provision of actuarial valuation to determine scheme underfunding)—

(a) for paragraph (1) substitute—

“(1) The trustees or managers of an eligible scheme shall provide the Board or the Regulator on the Board’s behalf with its first Article 162 valuation—

- (a) in the case of an eligible scheme which is a registrable scheme prior to 6th April 2007—

- (i) within 15 months of the relevant time of that valuation; or
 - (ii) by 31st March 2008,whichever is the earlier;
- (b) in the case of an eligible scheme which becomes a registrable scheme on or after 6th April 2007, within 15 months of the effective date of the first actuarial valuation obtained by them under Article 203(3) of the Order (actuarial valuations and reports).”;
- (b) omit paragraphs (2) and (3);
- (c) in paragraph (5) for “12 months” substitute “15 months”.
- (4) In regulation 3 (excluded assets) after paragraph (b) add—
 - “(c) in the case of either an Article 127 or Article 162 valuation, an amount in respect of the value of any pre-6th April 1997 contract of insurance if—
 - (i) the trustees or managers have taken all reasonable steps to obtain information concerning that contract of insurance (whether by searching the records of the scheme or otherwise); and
 - (ii) the information that they provide concerning that contract of insurance is insufficient, in the opinion of the appropriate person, to conduct a valuation.”.
- (5) In regulation 6 (valuation of protected liabilities)—
 - (a) the provisions of the regulation shall become paragraph (1) of the regulation;
 - (b) after that paragraph add—
 - “(2) Where regulation 3(c) applies, the amount representing the value of a protected liability(4) in respect of the benefits secured by a pre-6th April 1997 contract of insurance shall be excluded from the valuation of the eligible scheme’s protected liabilities.”.
- (6) At the end add the Schedule as set out in the Schedule to these Regulations.

(3) Article 203 is modified by S.R.2005 Nos. 568 and 570

(4) The term “protected liabilities” is defined in Article 115(1) of the Pensions (Northern Ireland) Order 2005