

The Pensions Regulator

Application for approval of a proposed approved withdrawal arrangement (post-6 April 2008)

This form is for applications in respect of debts, arising as a result of employment-cessation events, which are subject to the Occupational Pension Schemes (Employer Debt) Regulations 2005, as **amended on 6 April 2008** ('the **regulations**'). There is a separate form for applications that are subject to the pre-6 April 2008 regulations, which is also available on our website.

The Application should be made by, or on behalf of, the Cessation Employer(s).

Please note that, by providing an email address, you have agreed that the Pensions Regulator (the '**regulator**') can notify and provide documents to you in accordance with s304 Pensions Act 2004 via email.

The regulator may ask for further information or request that the application be amended.

Any approval granted by the regulator will normally take effect 28 days after the regulator's determination.

This form contains Notes for sections 1 to 6. Guidance about approved withdrawal arrangements is also contained in 'Defined benefit multi-employer schemes and employer departures: guidance for trustees and employers' available on our website.

1.	Part 1: The cessation employer	
1.1	Name of cessation employer (and company registration number if applicable): <i>If the application relates to more than one cessation employer, please see note 1.</i>	
1.2	Address and contact details of cessation employer: <i>Please include telephone number and email address.</i>	
1.3	Nature of cessation employer's business:	
1.4	Name of cessation employer's legal representative:	
1.5	Contact details for cessation employer's legal representative: <i>Please include telephone number and email address.</i>	

Note 1

The cessation employer is the person who has ceased or is ceasing to participate in a scheme.

If there is more than one cessation employer relying on the same set of facts and circumstances relating to withdrawal from a scheme, then it may be appropriate to apply jointly for approval. In this instance, please write the number of additional cessation employers to be included in this application in question 1.1-1.3 of the application form (above) and attach the respective information as an annex to the application form.

We may ask for a company registration or Companies House number to distinguish between similarly named companies.

Where we ask for the nature of the cessation employer's business, we are looking for a brief plain English description of what it is that the cessation employer does.

2.	Part 2: The guarantor	
2.1	Name of guarantor (and company registration number if applicable): <i>If the application relates to more than one guarantor, or if the guarantor is also the cessation employer, please see note 2.</i>	
2.2	Address and contact details of guarantor: <i>Please include telephone number and email address.</i>	
2.3	Name of guarantor's legal representative:	
2.4	Contact details for guarantor's legal representative: <i>Please include telephone number and email address.</i>	
2.5	Nature of guarantor's business:	

2.6	Is the guarantor an employer participating in the scheme?	
2.7	<p>Details (including actual or estimated amount(s)) of any guarantees or other financial support provided by the guarantor or by any other entity in the guarantor's group directly or indirectly to the scheme, including:</p> <ul style="list-style-type: none"> • under other previous, existing or proposed withdrawal arrangements (i.e., any withdrawal arrangements or approved withdrawal arrangements) subject to the post-6 April 2008 regulations; • Under any withdrawal arrangements subject to the pre-6 April 2008 regulations; • under any other guarantee; • under any security granted to the scheme. 	

Note 2

The guarantor is the person who agrees to pay Amount B (the remainder of what would otherwise have been the cessation employer's debt) in certain circumstances.

The guarantor can be any person, but will generally be:

- one of the remaining employers in the scheme;
- someone connected with the cessation or remaining employers;
- the cessation employer; or
- the purchaser in a sale situation.

There may be more than one guarantor.

If the only guarantor in relation to the proposed approved withdrawal arrangement is the cessation employer, there is no need to fill in questions 2.2-2.6 of the application form (above).

If there is more than one guarantor in relation to the proposed approved withdrawal arrangement, please write the number of additional guarantors to be included in the proposed approved withdrawal arrangement in the first two boxes in questions 2.1 and 2.2 of the application form (above) and attach the respective information as an annexe to the application form.

3.	Part 3: The trustees	
3.1	Please give the following details for each scheme trustee:	
	<p>Name</p>	<p>Type of trustee (see note 3)</p> <p>Connection with cessation employer or guarantor, if any</p>

3.2	<p>Please provide the most appropriate details for contacting the trustees:</p> <p><i>Please include telephone number and email address.</i></p>		
3.3	<p>Name of the trustees' legal representative:</p>		
3.4	<p>Contact details for the trustees' legal representative:</p> <p><i>Please include telephone number and email address.</i></p>		
<p>Note 3</p> <p>Types of trustee</p> <ul style="list-style-type: none"> • Individual trustee (please note in each case whether the person is a member-nominated or employer-nominated trustee) • Corporate trustee (non professional) – please provide details of trustee directors and note in each case whether the person is a member-nominated or employer-nominated director • Independent trustee (statutory) • Professional trustee (independent) 			

4.	Part 4: The cessation event and the proposed approved withdrawal arrangement		
4.1	<p>Has the cessation event occurred prior to this application? If so, when? If not, when is it expected to occur?</p>		

4.2	Does the scheme (as specified in part 6: scheme details) have a specific rule for apportioning debt owed on the occurrence of a cessation event?	
4.3	What is the cessation event?	
4.4	Please confirm that the cessation employer proposes to enter into an approved withdrawal arrangement and to seek the regulator's approval of it. <i>(See note 4)</i>	
4.5	What is Amount A (see paragraph 4 of schedule 1A of the regulations)?	
4.6	What amount will the cessation employer pay as its approved withdrawal arrangement share (see regulation 7(2)(a) and paragraph 1(c) of Schedule 1A to the regulations)?	
4.7	What is the amount of the cessation employer's share of the difference under the liability share (i.e., the debt which would be due from the cessation employer but for the proposed approved withdrawal arrangement)?	
4.8	Has the cessation employer notified the trustees that a relevant transfer deduction will apply? <i>If so please provide relevant details including the likely amount of the deduction, and confirm whether amounts at 4.5 to 4.7 take into account the relevant transfer deduction.</i> <i>(see note 5)</i>	

4.9	<p>Has the trustee notified the regulator that the funding test is met?</p> <p><i>(See regulation 2(4A) of the regulations)</i></p>	
4.10	<p>Please explain why the applicant considers that it would be reasonable for the regulator to approve this proposed approved withdrawal arrangement.</p> <p><i>(See regulation 7(2)(c) of the regulations.)</i></p>	
4.11	<p>Please confirm whether the proposed approved withdrawal arrangement meets the conditions set out in paragraph 1 of Schedule 1A to the regulations.</p>	
4.12	<p>By what date would you like approval?</p>	
4.13	<p>If less than two months from date of application, please explain why it was not possible to apply earlier.</p> <p><i>(See note 5)</i></p>	

Note 4

Suspension

This application provides written notification that the cessation employer proposes to enter into a approved withdrawal arrangement. Following submission of this application, the Pensions Regulator may choose to issue a direction under regulation 7(1)(a) of the Regulations that the cessation debt is to be unenforceable for a specified period (if such a direction is not already in force).

Note 5

Relevant transfer deduction

An arrangement may be approved where the cessation employer notifies the trustees that a relevant transfer deduction shall apply but such approval will cease to be effective if the transfer is not completed on or before a date which is twelve months after the employment cessation event or within such longer period as the regulator approves.

Note 6

Timescales

In order to enable us to do this and to use our resources most effectively, we ask that applicants send us an application form at least two months before any critical deadlines for which approval of a proposed approved withdrawal arrangement will need to be granted to allow the transaction to proceed. Any approval granted by the regulator will normally take effect 28 days after the regulator's determination.

Where it has not been possible to submit an application two months before a deadline, please explain why and provide supporting documents if appropriate. This will enable us to consider whether the application merits fast tracking and the re-allocating of our resources away from applications which have been submitted in reasonable time.

5.	Part 5: Supporting documents
	The following documents should be sent with this application form when applying to the Pensions Regulator for approval of a proposed approved withdrawal arrangement. If any of these documents have not been sent in with this application form, please explain the reasons in the space(s) provided.
5.1	<ul style="list-style-type: none">A copy of the proposed approved withdrawal arrangement. <div data-bbox="280 595 1417 707" style="border: 1px solid black; height: 50px;"></div>
5.2	<ul style="list-style-type: none">Board minutes or copy resolution of the trustees ratifying the proposed arrangement) <div data-bbox="280 797 1417 909" style="border: 1px solid black; height: 50px;"></div>
5.3	<ul style="list-style-type: none">Copies of any financial information that the trustees have considered in relation to the proposed approved withdrawal arrangement, including where appropriate independent financial advice on the financial strength of the guarantor and the cessation employer. <div data-bbox="280 1111 1417 1245" style="border: 1px solid black; height: 60px;"></div>
5.5	<ul style="list-style-type: none">A statement of the steps that have been taken to demonstrate that a cessation event has occurred or is very likely to occur. <div data-bbox="280 1335 1417 1447" style="border: 1px solid black; height: 50px;"></div>

<p>5.</p>	<p>Part 5: Supporting documents <i>(continued)</i></p>
<p>5.6</p>	<ul style="list-style-type: none"> A document provided by the scheme actuary to support the figures at 4.5 to 4.8 above, and shown in part 6 of this application form. <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>5.7</p>	<ul style="list-style-type: none"> A statement identifying any potential conflicts of interest and how these are to be managed plus a copy of any legal advice received on this point. We are aware that legal advice is subject to privilege. That legal privilege belongs to the client and it will be up to the client to decide if they wish to waive that privilege. If not including a copy of the advice, please include a statement confirming that legal advice was taken. <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>5.8</p>	<ul style="list-style-type: none"> A statement from the trustees that they have considered the effect of the cessation event and the proposed approved withdrawal arrangement on the employer covenant. <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>5.9</p>	<ul style="list-style-type: none"> Consent by the guarantor(s) to disclosure by the regulator to the trustees and any other guarantor(s) of any notifiable event reported to the regulator under Schedule 1B to the regulations. <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p>5.10</p>	<p>If you have attached any other documents relating to the proposed approved withdrawal arrangement, including any information and/or evidence to support your answer to 4.10 above, please list them below. <i>(See note 7)</i></p> <div style="border: 1px solid black; height: 150px; width: 100%;"></div>
<p>Note 6</p> <p>Additional documents</p> <p>In addition to those listed on the form the following may be useful for specific transactions, for example:</p> <ul style="list-style-type: none"> tables showing debt before and after a cessation event including amounts lent, security granted and repayment dates, where an event leads to changes in the amount of debt or security provided for debt within an employer; family tree showing composition of the wider employer group, and identifying the participating employers. <p>Other documents may be relevant in other situations.</p>	

6.	Part 6: Scheme details		
6.1	Scheme name:		
6.2	PSR number:		
6.3	Is the scheme sectionalised? <i>If so, please provide all information in sections 6.4-6.20 broken down by section where available.</i>		
6.4	Type of scheme:		Defined benefit
			Hybrid
6.5	Scheme status:		Open
			Closed to new members
			No further accrual
6.6	Number of members in relation to the whole scheme :	Date calculated	
		Total	
		Pensioners	
		Deferreds	
		Actives	
6.7	Number of members in relation to the cessation employer(s) only :	Date calculated	
		Total	
		Pensioners	
		Deferreds	
		Actives	
6.8	Size of fund:		

6.9	Date of valuation:	
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6.	Part 6: Scheme details <i>(continued)</i>	
6.10	Deficit in relation to the whole scheme :	On s75 buy-out or estimated discontinuance basis
6.11	<i>Please insert the date(s) the deficits were assessed or estimated.</i>	PPF
6.12		Scheme specific funding/Ongoing
6.13		FRS17/IAS19
6.14	Deficit in relation to the cessation employer(s) only :	On s75 buy-out or estimated discontinuance basis
6.15	<i>Please insert the date(s) the deficits were assessed or estimated.</i>	PPF
6.16		Scheme specific funding/Ongoing
6.17		FRS17
6.18	Principal employer:	
6.19	All participating employers:	
6.20	If 'Amount B' (in the proposed approved withdrawal arrangement) is a fixed amount (as opposed to a floating liability), please indicate in 6.19 above all the employers that currently participate in the scheme and could be liable for any shortfall on wind-up. Please also provide their addresses below for the service of documentation. <i>(See note 8)</i>	

Note 7

If the 'Amount B' is fixed, all other employers in the scheme who could be liable to pay any shortfall on wind-up may be directly affected by a decision by the regulator to modify the debt and they must have an opportunity to make representations.

If there is more than one employer you may want to seek confirmation that they are content for the principal (or other) employer to accept service of the regulator's warning notice on their behalf and submit this confirmation together with the application.

7.	Part 7: Submission details	
7.1	Please provide the name and contact details of the person submitting this application on behalf of the cessation employer(s): <i>Please include telephone number and email address.</i>	
7.2	I confirm that the contents of this application form, and the documents provided with it, are true to the best of my knowledge. I am authorised by the cessation employer(s) to make this application on its behalf.	
	Signed by: <i>(the person detailed in 7.1 above)</i>	
	Print name:	
	Dated:	
7.3	I confirm that all parties set out in part 1 of this application are aware of this application and are content for it and the supporting documentation to be submitted to the Pensions Regulator.	
	Signed by: <i>(the person detailed in 7.1 above)</i>	
	Print name:	
	Dated:	

All documents and correspondence should be clearly labelled and addressed as follows:

**Risk and Funding Team
The Pensions Regulator
Napier House
Trafalgar Place
Brighton
BN1 4DW**

'To be opened by Addressee Only'

Or you can email this document to:

clearance@thepensionsregulator.gov.uk

Please note that sending information by email is not secure and is done at your own risk.