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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 122**

**The Occupational and Personal Pension Schemes  
(Automatic Enrolment) Regulations (Northern Ireland) 2010**

**PART 9**

Automatic enrolment schemes

**Further conditions applicable to automatic enrolment schemes**

**35.**—(1) The conditions prescribed for the purposes of section 17(1)(c) (automatic enrolment schemes) are—

- (a) that the scheme must be—
  - (i) an occupational pension scheme within section 18(a) or (b) (occupational pension schemes), or
  - (ii) a personal pension scheme where the operation of the scheme—
    - (aa) is regulated by a competent authority, and
    - (bb) is carried on by a person who is in relation to that activity authorised by a competent authority, and
- (b) where the scheme is an occupational pension scheme within the meaning of section 18(b) or a personal pension scheme where the operation of the scheme is carried on in accordance with paragraph (1)(a)(ii) by a person authorised by a competent authority other than that of the United Kingdom, the regulatory requirements applicable must provide that—
  - (i) at least 70% of any money purchase benefits applicable to the jobholder will be designated for the purpose of providing that jobholder with an income for life, and
  - (ii) the benefits payable to the jobholder under the scheme are payable no earlier than they would be under pension rule 1 in section 165(1) of the Finance Act 2004(1) .

(2) For the purposes of this regulation “competent authority” has, as the case may be, the meaning given in—

- (a) Article 4(4) of Directive [2006/48/EC](#) of the European Parliament and of the Council relating to the taking up and pursuit of the business of credit institutions(2);
- (b) Article 4(22) of Directive [2004/39/EC](#) of the European Parliament and of the Council on markets in financial instruments(3);
- (c) Article 1a(8) of Directive [85/611/EEC](#) of the European Council on the co-ordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities(4), or

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(1) [2004 c. 12](#)

(2) OJ L 177, 30.6.06, p1

(3) OJ L 145, 30.4.04, p1

(4) OJ L 375, 31.12.85, p3, as amended by Directive [2001/107/EC](#) OJ L 41, 13.2.02, p20

- (d) Article 1(n) of Directive [2002/83/EC](#) of the European Parliament and of the Council concerning life assurance<sup>(5)</sup>.

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(5) OJ L 345, 19.12.02, p.1