

STATUTORY RULES OF NORTHERN IRELAND

2012 No. 232

The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2012

Amendment of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations

2.—(1) The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010^{M1} are amended in accordance with paragraphs (2) to (27).

(2) In regulation 1(2) (interpretation) in the definition of “opt out notice” for “the Schedule” substitute “ Schedule 1 ”.

(3) For regulation 2 (enrolment information) substitute—

“Enrolment information

2. In these Regulations “enrolment information” means the information described in paragraphs 1 to 15, 24 and 25 of Schedule 2^{M2}.”.

^{F1}(4)

^{F1}(5)

^{F1}(6)

(7) In regulation 12 (automatic re-enrolment dates)—

(a) in paragraph (1)—

(i) for “(2) to (4)” substitute “ (3) and (4) ”;

(ii) in sub-paragraphs (a) and (b) for “of one month beginning with” substitute “ beginning 3 months before, and ending at the end of the period of 3 months beginning with, ”;

(b) omit paragraph (2);

(c) in paragraph (3) for the words from “which—” to the end substitute “ which the jobholder ceases to be an active member of the scheme. ”.

^{F2}(8)

^{F3}(9)

^{F4}(10)

(11) In Part 6 (postponement of automatic enrolment) in the heading after “Postponement” insert “ or disapplication ”.

(12) For regulation 24 (information) substitute—

“Prescribed requirements for the purposes of section 4(1), (2) and (3)

24.—(1) A notice under section 4(1) or (2) (postponement or disapplication of automatic enrolment) given by an employer (E) to the category of E's workers specified in Column 1 of the Table must be in writing and include the information described in the paragraphs of Schedule 2 specified in Column 2 of the Table against that category.

Table

<i>Category of worker</i>	<i>Paragraphs of Schedule 2</i>
all workers	18, 19, 20, 21, 24, 25
all workers who are not active members of a qualifying scheme	18, 20, 21, 24, 25
all workers who are jobholders and who are not active members of a qualifying scheme	16, 20, 21, 24, 25
all workers who are not jobholders and are not active members of a qualifying scheme	17, 20, 21, 24, 25

(2) A notice given by E under section 4(3) to a worker who is a jobholder must be in writing and include the information described in the paragraphs of Schedule 2 specified in Column 2 of the Table against that category of worker.

(3) For the purposes of section 4(5), the prescribed period is the period of one month beginning with the day after the starting day.”

(13) For regulation 27 (information) substitute—

“Notice to be given under section 30(3)

27. Where the employer gives the jobholder the notice mentioned in section 30(3) ^{M3} (transitional period for defined benefits and hybrid schemes), that notice must—

- (a) be in writing;
- (b) be given at any time before the end of the period of one month beginning with the employer's first enrolment date, and
- (c) include the information described in paragraphs 16, 22, 24 and 25 of Schedule 2.”

(14) In regulation 29 for paragraph (a) substitute—

“(a) in regulation 6 for paragraph (1) substitute—

“(1) An employer must meet the obligation in section 3(2) (automatic enrolment) by entering into arrangements with—

- (a) the trustees or managers of an automatic enrolment scheme which is a defined benefits scheme or a hybrid scheme, so that before the end of a period of one month beginning with the closure date a jobholder to whom section 3 ^{M4} applies becomes an active member of that scheme with effect from the closure date;
- (b) the trustees or managers of an automatic enrolment scheme which is a money purchase scheme, so that before the end of a period of one month beginning with the closure date a jobholder to whom section 3 applies becomes an active member of that scheme with effect from the automatic enrolment date, or
- (c) the provider of an automatic enrolment scheme which is a personal pension scheme, so that before the end of the period of one month beginning with

the closure date the jobholder to whom section 3 applies receives information about the terms and conditions mentioned in paragraph (4).”;

- (aa) in regulation 6(2) and (4) for “paragraph (1)(b)”, in each place it occurs, substitute “ paragraph (1)(c) ”;

^{F5}(15)

(16) In regulation 37 (test scheme: requirements to revalue accrued benefits and increase pensions in payment)—

- (a) in paragraph (1) for “section 23(1)(b)” substitute “ section 23(1)(c) ”;
- (b) at the end of paragraph (2)(b) add “ in relation to a scheme which provides for a member to be entitled to a pension commencing at the appropriate age and continuing for life ”.

^{F6}(17)

(18) In regulation 39(4)(b)(v) (requirements for meeting the test scheme standard) omit “subject to regulations 41 and 42.”.

^{F7}(19)

(20) In regulation 43 (modification allowing different quality requirements to be satisfied in aggregate)—

- (a) in paragraph (1) for “Paragraphs (2) to (5)” substitute “ Paragraphs (2) to (4) ”;
- (b) for paragraph (3)(b) substitute—
 - “(b) all of the paragraph (b) quality requirements are met apart from the relevant benefit requirement (“requirement Y”), and”;
- (c) for paragraph (4)(b) substitute—
 - “(b) the extent to which requirement Y is met as a proportion of—
 - (i) where the requirement in subsection (4) of section 23 (test scheme) applies, the annual rate of pension specified in that subsection, or
 - (ii) where a requirement in paragraph (4), (6) or (7) of regulation 39A applies, the sum of money to be made available for the provision of benefits as specified in the relevant paragraph.”;

- (d) for paragraphs (5) and (6) substitute—
 - “(5) Where paragraphs (2) to (4) have effect in relation to a hybrid scheme of the relevant description, regulation 39 is to be read as if, for paragraph (5), there were substituted—

“(5) A scheme actuary or employer may not certify that a scheme satisfies the test scheme standard if the aggregate percentage referred to in regulation 43(3) (c) is less than 100 in relation to more than 10% of relevant members.”.

- (6) In this regulation “the relevant benefit requirement” means—
 - (a) the requirements in subsection (4) of section 23 where that subsection applies, or
 - (b) one of the requirements specified in regulation 39A where that regulation applies.”.

(21) In regulation 47 (prescribed requirements for non-UK qualifying schemes)—

- (a) in paragraph (1) for “a money purchase scheme” substitute “ an occupational pension scheme ”;
- (b) in paragraph (3) for “the money purchase scheme” substitute “ the occupational pension scheme ”;

(c) in paragraph (7) for “money purchase schemes” substitute “ any money purchase benefits applicable to the jobholder ”.

(22) After regulation 47 insert—

“Meaning of “provider”

47A. For the purposes of paragraph (b) of the definition of “provider” in section 78 (interpretation of Part), a provider is a person whose normal business includes the provision of personal pensions.”.

(23) In regulation 48 (amendment of the Occupational Pension Schemes (Scheme Administration) Regulations) in substituted regulation 16 of the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997 ^{M5}—

(a) in paragraph (1) for the words from “is 19 days” to the end substitute—

“is—

(a) where the contribution payable on behalf of an active member is paid to the trustees or managers of the scheme by means of an electronic communication, 22 days; or

(b) in any other case, 19 days,

commencing on the day following the last day of the month in which the amount is deducted from the earnings in question.”;

^{F8}(b)

(24) In regulation 49 (amendment of the Personal Pension Schemes (Payments by Employers) Regulations) in substituted regulation 5 of the Personal Pension Schemes (Payments by Employers) Regulations (Northern Ireland) 2000 ^{M6}—

(a) in paragraph (1) for the words from “is the period” to the end substitute—

“is the period of—

(a) where the contribution payable under the direct payment arrangements is paid to the trustees or managers of the scheme by means of an electronic communication, 22 days, or

(b) in any other case, 19 days,

commencing on the day following the last day of the month in which the deduction was made from the employee's earnings.”;

^{F9}(b)

^{F9}(c)

(25) In regulation 50(2) (due date for the purposes of section 37(3)) for “19th” substitute “ 22nd ”.

^{F10}(26)

(27) After Schedule 1 add Schedule 2 as set out in the Schedule to these Regulations.

F1 [Reg. 2\(4\)-\(6\) revoked \(1.4.2014 for specified purposes\) by The Automatic Enrolment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/243\), regs. 1\(1\)\(b\), 6](#)
F2 [Reg. 2\(8\) revoked \(6.8.2015\) by The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/310\), regs. 1, 14\(b\)](#)
F3 [Reg. 2\(9\) revoked \(6.8.2015\) by The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/310\), regs. 1, 14\(b\)](#)

- F4** Reg. 2(10) revoked (6.8.2015) by The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/310), regs. 1, **14(b)**
- F5** Reg. 2(15) revoked (6.8.2015) by The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/310), regs. 1, **14(b)**
- F6** Reg. 2(17) revoked (1.4.2014 for specified purposes) by The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/243), regs. 1(1)(b), **6**
- F7** Reg. 2(19) revoked (1.4.2014 for specified purposes) by The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/243), regs. 1(1)(b), **6**
- F8** Reg. 2(23)(b) revoked (1.4.2014 for specified purposes) by The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/243), regs. 1(1)(b), **6**
- F9** Reg. 2(24)(b)(c) revoked (1.4.2014 for specified purposes) by The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/243), regs. 1(1)(b), **6**
- F10** Reg. 2(26) revoked (1.4.2014 for specified purposes) by The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/243), regs. 1(1)(b), **6**

Marginal Citations

- M1** S.R. 2010 No. 122
- M2** Schedule 2 is added by regulation 2(27) of these Regulations
- M3** Section 30(3) was amended by section 15(2) of the Pensions Act (Northern Ireland) 2012
- M4** Section 3 was amended by sections 6(1) and (2) and 7(1) of the Pensions Act (Northern Ireland) 2012
- M5** S.R. 1997 No. 94
- M6** S.R. 2000 No. 349

Changes to legislation:

There are currently no known outstanding effects for the The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2012, Section 2.