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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 390**

**PENSIONS**

**The Occupational and Personal Pension  
Schemes (Automatic Enrolment) (Amendment  
No. 3) Regulations (Northern Ireland) 2012**

*Made* - - - - *26th October 2012*

*Coming into operation* *1st November 2012*

*Approved by resolution of the Assembly on 10th December 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 16(3)(c) and 113(2) of the Pensions (No. 2) Act (Northern Ireland) 2008(1).

**Citation and commencement**

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment No. 3) Regulations (Northern Ireland) 2012 and shall come into operation on 1st November 2012.

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

2. In regulation 36 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(2) (certain schemes providing average salary benefits excluded from being qualifying schemes)—

(a) in paragraph (2) for sub-paragraph (c) substitute—

“(c) a discretionary power may be exercised in the revaluation of such benefits,”;

(b) in paragraph (4)—

(i) in sub-paragraph (a) omit “in relation to a scheme which has members on 1st July 2012,”;

(ii) in sub-paragraphs (b) and (c) omit “in relation to any scheme,”.

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(1) 2008 c. 13 (N.I.)

(2) S.R. 2010 No. 122; regulation 36 was amended by regulation 2(5) of S.R. 2012 No. 237

Sealed with the Official Seal of the Department for Social Development on 26th October 2012

(L.S.)

*Anne McCleary*  
A senior officer of the Department for Social  
Development

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## EXPLANATORY NOTE

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

These Regulations amend the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010 (“the 2010 Regulations”).

Regulation 2(a) amends regulation 36(2) of the 2010 Regulations so as to provide that an average salary scheme where the trustees have a discretionary power in revaluing accrued benefits during pensionable service is not a qualifying scheme under section 16 of the Pensions (No. 2) Act (Northern Ireland) 2008. Revaluation protects the value of the accrued benefits against the effects of inflation. However, where both the scheme’s funding and statement of funding principles take account of the exercise of the discretionary power in providing for revaluation at or above the minimum rate, the scheme is not prevented from being a qualifying scheme.

Regulation 2(b) amends regulation 36(4) of the 2010 Regulations so that all average salary schemes may revalue by reference to the retail prices index, the general level of prices or 2.5%, whichever is the lesser or the least.