

## STATUTORY RULES OF NORTHERN IRELAND

# 2010 No. 122

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

PROSPECTIVE

### PART 11

#### Test Scheme

##### Test scheme: requirements to revalue accrued benefits and increase pensions in payment

**37.**—(1) Paragraph (2) applies for the purposes of section 23(1)(b) (test scheme).

(2) The following must be satisfied in relation to a test scheme—

(a) the requirements of section 80(1) of the 1993 Act (basis of revaluation), and

(b) the requirements of Article 51 of the 1995 Order<sup>(1)</sup> (annual increase in rate of pension).

(3) For the purposes of paragraph (2)(a), section 80(1) of the 1993 Act shall have effect as if “Subject to subsections (2) and (3),” were omitted.

##### Commencement Information

**II** Reg. 37 in operation at 1.10.2012, see [reg. 1\(1\)](#)

##### Staged increase in appropriate age

**38.**—(1) In paragraph 2 “relevant determination” means a determination under section 22 as to whether a scheme satisfies the test scheme standard in relation to a jobholder.

(2) For the purposes of making any relevant determination on or after the date specified in an entry in Column 1 of the Table, the higher “appropriate age” prescribed for the purposes of section 23(3) is the age specified in Column 2 of the same entry.

##### Table

Date	Pension age in test scheme
6th April 2024	66 years
6th April 2034	67 years
6th April 2044	68 years

<sup>(1)</sup> Article 51 was amended by paragraph 40 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), section 47(1) of the [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000](#) (c. 4 (N.I.)), Article 255 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) and Article 11 of S.I. 2006/745

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## Commencement Information

**I2** Reg. 38 in operation at 1.10.2012, see [reg. 1\(1\)](#)

## Requirements for meeting the test scheme standard

**39.—**(1) This regulation applies for the purposes of section 22(4) (test scheme standard).

(2) No person other than—

- (a) the scheme actuary, or
- (b) the employer of the relevant members of the scheme,

may certify that a scheme satisfies the test scheme standard.

(3) An employer may certify a scheme under paragraph (2)(b) only in cases that do not require any calculation, comparison or assessment of a description usually carried out by actuaries.

(4) In determining whether a scheme satisfies the test scheme standard, a scheme actuary or employer—

- (a) must have regard to the benefits to be provided under the scheme for persons who, at the date by reference to which the determination is made (which may precede the date on which it is made), are relevant members of the scheme, and
- (b) must not have regard to—
  - (i) pension credit benefits;
  - (ii) death benefits;
  - (iii) discretionary benefits (apart from those arising from discretionary pre-retirement revaluation made in the case of schemes providing for average salary benefits);
  - (iv) survivors' benefits;
  - (v) subject to regulations 41 and 42, money purchase benefits;
  - (vi) benefits in respect of any person who is not a jobholder for the purposes of the Act;
  - (vii) benefits in respect of any jobholder whose annual rate of benefit accrual under the scheme has been reduced below the rate specified in section 23(4)(a) (test scheme), where the reduction is made as a result of a request made by the jobholder in question in accordance with scheme rules, or
  - (viii) benefits in respect of any jobholder who has given notice under section 8 (jobholder's right to opt out).

(5) A scheme actuary or employer may not certify that a scheme satisfies the test scheme standard if the benefits to be provided for more than 10% of relevant members are not at least as valuable as the benefits which would be provided for them under a test scheme.

(6) In determining whether—

- (a) any of paragraphs (3) to (5) apply in relation to a scheme, or
- (b) a scheme otherwise satisfies the test scheme standard,

a scheme actuary or employer must follow any guidance issued by the Department under section 22(5) which is for the time being in force.

(7) "Scheme actuary" has the meaning given in section 22(7) except—

- (a) where the scheme is a defined benefits or hybrid scheme within section 18(b) (occupational pension schemes);

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- (b) where the scheme is a defined benefits or hybrid scheme within section 18(c) and there is an actuary appointed to the scheme who satisfies the requirements of regulations made under Article 47(5) of the 1995 Order(2) (professional advisers), or
  - (c) in any other circumstances where, by virtue of regulations made under Article 47 of the 1995 Order, the scheme is not required to appoint a scheme actuary.
- (8) In any case falling within paragraph (7)(b), “scheme actuary” means the actuary referred to in that paragraph who is appointed to the scheme.
- (9) “Relevant members” has the meaning given in section 22(2).

#### Commencement Information

**I3** Reg. 39 in operation at 1.10.2012, see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to :**

- Regulations modified by [S.R. 2015/122 reg. 4](#)
- Part 7A inserted by [S.R. 2012/237 reg. 2\(3\)](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Pt. 1A inserted by [S.R. 2012/238 reg. 2](#)
- Pt. 1A heading words added by [S.R. 2015/310 reg. 4](#)
- Pt. 7B inserted by [S.R. 2015/310 reg. 10](#)
- Sch. 1 Sch. renumbered as Sch. 1 by [S.R. 2012/232 reg. 2\(26\)](#)
- Sch. 1 substituted by [S.R. 2013/243 reg. 4\(11\)](#)Sch.
- Sch. 2 added by [S.R. 2012/232 reg. 2\(27\)](#)Sch.
- Sch. 2 added by [S.R. 2012/232 reg. 2\(27\)](#)Sch.
- Sch. 2 para. 3 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 7 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 19 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 23 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 25 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 1 substituted by [S.R. 2015/310 reg. 13\(b\)](#)
- Sch. 2 para. 18 substituted by [S.R. 2015/310 reg. 13\(e\)](#)
- Sch. 2 para. 6 words substituted by [S.R. 2015/310 reg. 13\(d\)](#)
- Sch. 2 words substituted by [S.R. 2015/310 reg. 13\(a\)](#)
- reg. 5B-5F inserted by [S.R. 2015/310 reg. 5](#)
- reg. 5D(1)(d) word substituted by [S.R. 2017/38 reg. 2\(a\)](#)
- reg. 5D(1)(e) added by [S.R. 2017/38 reg. 2\(b\)](#)
- reg. 5E(1)(c) substituted by [S.R. 2016/142 reg. 2\(2\)](#)
- reg. 5F(1)(a) words substituted by [S.R. 2016/142 reg. 2\(4\)](#)
- reg. 5EA-5EB inserted by [S.R. 2016/142 reg. 2\(3\)](#)
- reg. 9(6)(a)(aa) substituted for reg. 9(6)(a) by [S.R. 2013/243 reg. 4\(6\)\(a\)](#)
- reg. 9(8) added by [S.R. 2013/243 reg. 4\(6\)\(b\)](#)
- reg. 24(1)(1A)(1B) substituted for reg. 24(1) by [S.R. 2015/310 reg. 8\(a\)](#)
- reg. 24(3) words substituted by [S.R. 2013/243 reg. 4\(4\)](#)
- reg. 27(b) words substituted by [S.R. 2013/243 reg. 4\(4\)](#)
- reg. 27(c) words substituted by [S.R. 2015/310 reg. 9](#)
- reg. 29(a)(aa) substituted for reg. 29(a) by [S.R. 2012/232 reg. 2\(14\)](#)
- reg. 32E(1) words omitted by [S.I. 2019/193 reg. 29\(2\)](#)
- reg. 32E(1) words substituted by [S.R. 2022/191 reg. 35](#)Sch. 7 para. 2(2)(a)
- reg. 32E(1) words substituted by [S.R. 2023/117 Sch. 7 para. 2\(2\)\(a\)](#)
- reg. 32E(1) words substituted by [S.R. 2023/7 Sch. 7 para. 2\(2\)\(a\)](#)
- reg. 32E(1A) inserted by [S.R. 2022/191 reg. 35](#)Sch. 7 para. 2(2)(b)
- reg. 32E(1A) inserted by [S.R. 2023/117 Sch. 7 para. 2\(2\)\(b\)](#)
- reg. 32E(1A) inserted by [S.R. 2023/7 Sch. 7 para. 2\(2\)\(b\)](#)

- reg. 32G(1) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(4)
- reg. 32G(1) words inserted by S.R. 2023/117 Sch. 7 para. 2(4)
- reg. 32G(1) words inserted by S.R. 2023/7 Sch. 7 para. 2(4)
- reg. 32H(1A) inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(a)
- reg. 32H(1A) inserted by S.R. 2023/117 Sch. 7 para. 2(5)(a)
- reg. 32H(1A) inserted by S.R. 2023/7 Sch. 7 para. 2(5)(a)
- reg. 32H(2) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(b)
- reg. 32H(2) words inserted by S.R. 2023/117 Sch. 7 para. 2(5)(b)
- reg. 32H(2) words inserted by S.R. 2023/7 Sch. 7 para. 2(5)(b)
- reg. 32H(8A)-(8D) inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(c)
- reg. 32H(8A)-(8D) inserted by S.R. 2023/117 Sch. 7 para. 2(5)(c)
- reg. 32H(8A)-(8D) inserted by S.R. 2023/7 Sch. 7 para. 2(5)(c)
- reg. 32H(9) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(d)
- reg. 32H(9) words inserted by S.R. 2023/117 Sch. 7 para. 2(5)(d)
- reg. 32H(9) words inserted by S.R. 2023/7 Sch. 7 para. 2(5)(d)
- reg. 32H(10) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(e)
- reg. 32H(10) words inserted by S.R. 2023/117 Sch. 7 para. 2(5)(e)
- reg. 32H(10) words inserted by S.R. 2023/7 Sch. 7 para. 2(5)(e)
- reg. 32I(1) words omitted by S.R. 2014/89 reg. 2(2)
- reg. 32J omitted by S.I. 2019/193 reg. 29(3)
- reg. 32K(1) word inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(6)(b)
- reg. 32K(1) word inserted by S.R. 2023/117 Sch. 7 para. 2(6)(b)
- reg. 32K(1) word inserted by S.R. 2023/7 Sch. 7 para. 2(6)(b)
- reg. 32K(1) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(6)(a)
- reg. 32K(1) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(6)(c)
- reg. 32K(1) words inserted by S.R. 2023/117 Sch. 7 para. 2(6)(a)
- reg. 32K(1) words inserted by S.R. 2023/117 Sch. 7 para. 2(6)(c)
- reg. 32K(1) words inserted by S.R. 2023/7 Sch. 7 para. 2(6)(a)
- reg. 32K(1) words inserted by S.R. 2023/7 Sch. 7 para. 2(6)(c)
- reg. 32M(3) words inserted by S.R. 2016/142 reg. 2(5)(a)
- reg. 32M(4) words inserted by S.R. 2016/142 reg. 2(5)(b)
- reg. 32M(5A)-(5D) inserted by S.R. 2016/142 reg. 2(5)(c)
- reg. 32M(6) words substituted by S.R. 2016/142 reg. 2(5)(d)
- reg. 32M(9) words inserted by S.R. 2016/142 reg. 2(5)(e)(i)
- reg. 32M(9)(b) substituted by S.R. 2016/142 reg. 2(5)(e)(ii)
- reg. 32M(9)(c) words omitted by S.R. 2016/142 reg. 2(5)(e)(iii)
- reg. 32M(9)(d) substituted by S.R. 2016/142 reg. 2(5)(e)(iv)
- reg. 32M(12) words inserted by S.R. 2016/142 reg. 2(5)(f)
- reg. 32EA inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(3)
- reg. 32EA inserted by S.R. 2023/117 Sch. 7 para. 2(3)
- reg. 32EA inserted by S.R. 2023/7 Sch. 7 para. 2(3)
- reg. 35(1)(a)(ii)(bb) words substituted by S.R. 2013/221 reg. 2(a)(i)
- reg. 35(1)(c) added by S.R. 2013/221 reg. 2(a)(iii)
- reg. 35(1A) inserted by S.R. 2013/221 reg. 2(b)
- reg. 36(2A) inserted by S.R. 2014/89 reg. 2(3)(b)
- reg. 36(4)(b)(c) words omitted by S.R. 2012/390 reg. 2(b)(ii)
- reg. 39A inserted by S.R. 2012/232 reg. 2(19)
- reg. 39A substituted by S.R. 2013/243 reg. 4(9)
- reg. 47A inserted by S.R. 2012/232 reg. 2(22)