
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 122

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

PART 9

Automatic enrolment schemes

[^{F1}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) ^{F2}... (occupational pension schemes with main administration in the UK or in an EEA state other than the UK), 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 [^{F3}authority;]

^{F4}(b)

[^{F5}(c) except as provided in paragraph (1A), that the provisions governing any part of a scheme which provides money purchase benefits must not include a provision that allows for—

- (i) any amount to be deducted from any payments made to the scheme by or on behalf of or in respect of the jobholder;
- (ii) any amount to be deducted from any income or capital gain arising from the investment of such payments, or
- (iii) the value of the jobholder's rights under the scheme to be reduced by any amount, where the amount is to be paid to a third party under an agreement between the employer and the third party.]

[^{F6}(1A) Paragraph (1)(c) does not apply where an employer has entered into a legally enforceable agreement with a third party before 10th May 2013 under which an amount is to be paid to the third party in one or more of the ways set out in paragraph (1)(c)(i) to (iii).]

(2) For the purposes of this regulation—

[^{F7}“competent authority” means the Financial Conduct Authority or the Pensions Regulator;]

“regulatory requirements” includes provisions of legislation that concern tax;

“relevant benefits” means—

- (a) any money purchase benefits applicable to the jobholder, and

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- (b) in relation to a defined benefits scheme, or the defined benefits element of a hybrid scheme, that provides for a sum of money to be made available for the provision of benefits to a member, that sum.

[^{F8}“third party” means any person other than—

- (a) the jobholder;
- (b) where the scheme is an occupational pension scheme, the trustees or managers of the scheme, or
- (c) where the scheme is a personal pension scheme, the provider of the scheme.]]

Textual Amendments

- F1** Reg. 35 substituted (1.7.2012) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/237\)](#), regs. 1(1)(a), **2(4)**
- F2** Words in reg. 35(1)(a)(i) omitted (31.12.2020) by virtue of [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\)](#), regs. 1, **29(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in reg. 35(1)(a)(ii)(bb) substituted (14.9.2013) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/221\)](#), regs. 1, **2(a)(i)**
- F4** Reg. 35(1)(b) omitted (31.12.2020) by virtue of [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\)](#), regs. 1, **29(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Reg. 35(1)(c) added (14.9.2013) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/221\)](#), regs. 1, **2(a)(iii)**
- F6** Reg. 35(1A) inserted (14.9.2013) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/221\)](#), regs. 1, **2(b)**
- F7** Words in reg. 35(2) substituted (31.12.2020) by [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\)](#), regs. 1, **29(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 35(2) added (14.9.2013) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/221\)](#), regs. 1, **2(c)**

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Changes and effects yet to be applied to :

- Regulations modified by [S.R. 2015/122 reg. 4](#)

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):

- 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.
- reg. 35(1)(a)(ii)(bb) word substituted by [S.R. 2013/221 reg. 2\(a\)\(i\)](#)