
STATUTORY INSTRUMENTS

2010 No. 772

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

[^{F1}PART 7A

Certification that a quality or alternative requirement is satisfied

[^{F1}Alternative requirements for a money purchase scheme

32E.—(1) [^{F2}Subject to paragraph (1A),] in relation to a money purchase scheme to which section 20 of the Act applies ^{F3}... the prescribed alternative requirement is the first, second or third set of requirements below.

[
^{F4}(1A) In relation to a money purchase scheme—

- (a) to which section 20 of the Act applies; and
- (b) which provides collective money purchase benefits,

the prescribed alternative requirement is the first, second or third set of requirements below or, in respect of any jobholders accruing rights to benefits under a collective money purchase scheme, the requirements set out in regulation 32EA.]

(2) The first set of requirements is that under the scheme —

- (a) the employer of the relevant jobholder must pay contributions in respect of the jobholder;
- (b) the employer's contribution must be equal to or more than 4% of the amount of the relevant jobholder's pensionable earnings in the certification period;
- (c) the total amount of the contributions paid by the relevant jobholder and the employer must be equal to or more than 9% of the jobholder's pensionable earnings in the certification period; and
- (d) the pensionable earnings of the relevant jobholder must be equal to or more than the basic pay of that jobholder.

(3) The second set of requirements is that—

- (a) under the scheme—
 - (i) the employer of the relevant jobholder must pay contributions in respect of the jobholder;
 - (ii) the employer's contribution must be equal to or more than 3% of the amount of the relevant jobholder's pensionable earnings in the certification period;
 - (iii) the total amount of the contributions paid by the relevant jobholder and the employer must be equal to or more than 8% of the amount of the jobholder's pensionable earnings in the certification period; and

- (iv) the pensionable earnings of the relevant jobholder must be equal to or more than the basic pay of that jobholder; and
- (b) taking all of the relevant jobholders together, the pensionable earnings of those jobholders constitute at least 85% of the earnings of those jobholders in the certification period.
- (4) The third set of requirements is that under the scheme—
 - (a) the employer of the relevant jobholder must pay contributions in respect of the jobholder;
 - (b) the employer’s contribution must be equal to or more than 3% of the amount of the relevant jobholder’s earnings in the certification period; and
 - (c) the total amount of the contributions paid by the relevant jobholder and the employer must be equal to or more than 7% of the amount of the jobholder’s earnings in that period.
- (5) Subject to the proviso in paragraph (6), for the purposes of paragraphs (1) to (4), a scheme as referred to in paragraph (1) may satisfy the first, second or third set of requirements even though under the scheme there is an upper limit (however expressed) to the amount of contributions that may be paid by the employer or the relevant jobholder or both of those persons.
- (6) The proviso referred to is that the upper limit must not result in the payment of contributions by the employer, or by the employer and the relevant jobholder, that are less than those required by the relevant quality requirement.
- (7) For the purposes of paragraphs (2) to (6), a reference to “the relevant jobholder” is a reference to each of the relevant jobholders.]

- | | |
|-----------|---|
| F1 | Pt. 7A inserted (1.7.2012) by The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2012 (S.I. 2012/1257) , regs. 1(2)(a), 4 |
| F2 | Words in reg. 32E(1) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255) , reg. 1(3), Sch. 7 para. 2(2)(a) |
| F3 | Words in reg. 32E(1) omitted (31.12.2020) by virtue of The Occupational and Personal Pension Schemes (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/192) , regs. 1, 33(2) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Reg. 32E(1A) inserted (1.8.2022) by The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations 2022 (S.I. 2022/255) , reg. 1(3), Sch. 7 para. 2(2)(b) |

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, Section 32E.