
STATUTORY INSTRUMENTS

2010 No. 772

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

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 [^{F1}section 23(1)(c)] (test scheme) of the Act.

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

- (a) the requirements of [^{F2}section 84] (basis of revaluation) of the 1993 Act; and
- (b) the requirements of section 51 (annual increase in rate of pension) of the 1995 Act ^{M1}[^{F3}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].

[^{F4}(3) For the purposes of paragraph (2)(a)—

- (a) a test scheme which falls within section 23(2)(a) of the Act and a test scheme which falls within regulation 39A(2) must satisfy the requirements of section 84 of the 1993 Act by reference to the final salary method; and
- (b) a test scheme to which regulation 39A(3) applies must satisfy the requirements of section 84 of the 1993 Act by reference to the average salary method or the final salary method.]

F1 Words in reg. 37(1) substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **32(a)**

F2 Words in reg. 37(2)(a) substituted (1.11.2013) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(1), **5(8)(a)**

F3 Words in reg. 37(2)(b) added (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **32(b)**

F4 Reg. 37(3) substituted (1.11.2013) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(1), **5(8)(b)**

Marginal Citations

M1 Section 51 was amended by paragraph 51 of Schedule 12 to the [Welfare Reform and Pensions Act 1999 \(c.30\)](#), **section 51(1)** of the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#), **section 278** of the [Pensions Act 2004 \(c.35\)](#) and S.I. 2006/745.

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, Section 37.