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STATUTORY INSTRUMENTS

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**2013 No. 2328**

**The Occupational and Personal Pension Schemes  
(Automatic Enrolment) (Amendment) Regulations 2013**

**Amendment of regulation 35 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010**

2.—(1) Regulation 35 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010<sup>(1)</sup> (further conditions applicable to automatic enrolment schemes) is amended as follows.

(2) In paragraph (1), after sub-paragraph (b), insert—

“and

(c) except as provided in paragraph (1A), that the provisions governing any part of an occupational pension scheme or of a personal pension scheme that provides money purchase benefits<sup>(2)</sup> 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 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.”

(3) After paragraph (1), insert—

“(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).”

(4) In paragraph (2), after the definition of “relevant benefits” insert—

““third party” means any person other than—

- (a) the jobholder;
- (b) where the scheme is an occupational pension scheme, the trustee or manager of the scheme; or
- (c) where the scheme is a personal pension scheme, the provider of the scheme.”

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(1) [S.I. 2010/772](#); regulation 35 was substituted by regulation 5 of [S.I. 2012/1257](#).

(2) *see* section 99 of the Pensions Act 2008 for the meaning of “money purchase benefits”.