

*Regulations made by the Department for Social Development and laid before the Assembly under section 112(3) and (4)(a) of the Pensions (No. 2) Act (Northern Ireland) 2008 for approval of the Assembly before the expiration of six months from the date of their coming into operation*

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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 221**

**PENSIONS**

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

*Made - - - - 13th September 2013*

*Coming into operation 14th September 2013*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 17(1)(c) and 113(2) of the Pensions (No. 2) Act (Northern Ireland) 2008(1).

**Citation and commencement**

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 14th September 2013.

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

2. In regulation 35 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(2) (further conditions applicable to automatic enrolment schemes)—

(a) in paragraph (1)—

(i) in sub-paragraph (a)(ii)(bb) for “authority, and” substitute “authority”;

(ii) in sub-paragraph (b) for “(pension rules).” substitute “(pension rules), and”;

(iii) after sub-paragraph (b) add—

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(1) 2008 c. 13 (N.I.)

(2) S.R. 2010 No. 122; regulation 35 was substituted by regulation 2(4) of S.R. 2012 No. 237

- “(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.”;
- (b) 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).”;
- (c) in paragraph (2) after the definition of “relevant benefits” add—
- ““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.”.

Sealed with the Official Seal of the Department for Social Development on 13th September 2013

*Will Haire*  
A senior officer of the Department for Social  
Development

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010.

Regulation 2 amends regulation 35 of those Regulations to—

include an additional condition that must be satisfied in relation to any part of a pension scheme which provides money purchase benefits if the scheme is to be an automatic enrolment scheme. The scheme will not be an automatic enrolment scheme if it contains a provision allowing for any amount to be deducted from contributions or investment returns, or for the value of a jobholder's rights to be reduced by any amount, if that amount is to be paid to a third party under an agreement between the employer and the third party;

insert paragraph (1A) which provides that the additional condition does not apply where the employer has entered into a legally enforceable agreement with a third party before 10th May 2013 under which the third party is to be paid an amount which will be deducted from the jobholder's contributions or investment returns, or which will reduce the value of the jobholder's rights;

insert a definition of "third party".