Draft Regulations laid before Parliament under section 143(4) and (5)(a) of the Pensions Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

PENSIONS

The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) (No. 3) Regulations 2012

Made - - - - ***

Coming into force - - *1st November 2012*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 16(3)(c), 99 and 144(2) and (4) of the Pensions Act 2008(**1**).

A draft of these Regulations was laid before Parliament in accordance with section 143(4) and (5)(a) of the Pensions Act 2008 and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) (No. 3) Regulations 2012 and come into force on 1st November 2012.

Amendment of regulation 36 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010

2.—(1) Regulation 36 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(**2**) (certain schemes providing average salary benefits excluded from being qualifying schemes) is amended as follows.

(2) For paragraph (2)(c) substitute—

"(c) a discretionary power may be exercised in the revaluation of such benefits,".

(3) In paragraph (4)—

(a) in sub-paragraph (a) omit "in relation to a scheme which has members on 1st July 2012,";

(b) in sub-paragraph (b) omit "in relation to any scheme,"; and

(**1**) 2008 c. 30. Section 16 was amended by section 10 of the Pensions Act 2011 (c. 19). Section 99 is cited for the meaning it gives to "prescribed" and "regulations".

(**2**) S.I. 2010/772. Regulation 36 was amended by S.I. 2012/1257, regulation 6.