STATUTORY RULES OF NORTHERN IRELAND

2014 No. 89

PENSIONS

The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2014

Made - - - - 19th March 2014

Coming into operation 1st April 2014

Approved by resolution of the Assembly on 16th June 2014

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 16(3)(c) and 28(2)(b) 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) 2014 and shall come into operation on 1st April 2014.

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

2.—(1) The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(**2**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 32I(1)(**3**) (contributions under alternative requirements during transitional periods) omit ", but not for the purposes of regulation 32G,".

(3) In regulation 36 (certain schemes providing average salary benefits excluded from being qualifying schemes)—

(a) in paragraph (1) for "paragraph (3)" substitute "paragraphs (2A) and (3)";

(b) after paragraph (2) insert—

"(2A) Paragraph (1) does not apply to a scheme with the feature specified in paragraph (2)(b) if—

(a) the funding of the scheme is based on the assumption that accrued benefits would be revalued at or above the minimum rate, and

(**1**) 2008 c. 13 (N.I.); section 28(2) was amended by section 13(5) of the Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.))
(**2**) S.R. 2010 No. 122; relevant amending Regulations are S.R. 2012 Nos. 237 and 390
(**3**) Part 7A (regulations 32A to 32K) was inserted by regulation 2(3) of S.R. 2012 No. 237

(b) such funding is provided for in the scheme's statement of funding principles under Article 202 of the Pensions (Northern Ireland) Order 2005(**4**) or, if the scheme is not required to have such a statement, in an equivalent statement of the scheme's funding plan.";

(c) for paragraphs (4)(**5**) and (5)(**6**) substitute—

"(4) For the purposes of this regulation, the minimum rate on a revaluation of accrued benefits is either—

(a) where a scheme is a scheme established under section 1 of the 2014 Act (schemes for persons in public service) or is a new public body pension scheme as defined in section 31(4) of the 2014 Act, an annual increase or decrease by the relevant percentage for the year by reference to which the revaluation is made, or

(b) in any other case, an annual increase by whichever is the lesser or the least of—

(i) the percentage increase in the retail prices index for the year by reference to which the revaluation is made;

(ii) the percentage increase in the general level of prices for the year by reference to which the revaluation is made, and

(iii) 2.5%.

(5) In this regulation—

"the 2014 Act" means the Public Service Pensions Act (Northern Ireland) 2014(**7**);

"general level of prices" means the general level of prices determined in accordance with regulation 36(5) of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(**8**) (certain schemes providing average salary benefits excluded from being qualifying schemes);

"relevant percentage" means—

(a) where the scheme requires revaluation of accrued benefits by reference to a change in prices, the percentage change in prices specified in an order under section 9(2) of the 2014 Act (revaluation), or

(b) where the scheme requires revaluation of accrued benefits by reference to a change in earnings, the percentage change in earnings specified in an order under section 9(2) of the 2014 Act;

"retail prices index" means—

(a) the general index of retail prices (for all items) published by the Statistics Board(**9**), or

(b) where that index is not published for a month, any substituted index or figures published by the Board.".

Revocations

3. The following regulations are revoked—

(**4**) S.I. 2005/255 (N.I. 1)
(**5**) Paragraph (4) was amended by regulation 2(5)(a) of S.R. 2012 No. 237 and regulation 2(b) of S.R. 2012 No. 390
(**6**) Paragraph (5) was substituted by regulation 2(5)(b) of S.R. 2012 No. 237
(**7**) 2014 c. 2 (N.I.)
(**8**) S.I. 2010/772; regulation 36(5) was substituted by regulation 2(3)(c) of S.I. 2014/715; *see also* paragraph (6) of regulation 36
(**9**) The Statistics Board is established by section 1 of the Statistics and Registration Service Act 2007 (c. 18)