
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 122

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

PART 3

Automatic re-enrolment

Automatic re-enrolment dates

12.—(1) Subject to paragraphs (2) to (4), the automatic re-enrolment date for the purposes of section 5—

- (a) is the date chosen at the discretion of the employer, within a period of one month beginning with the third anniversary of the staging date, and
- (b) thereafter, is the date chosen at the discretion of the employer, within a period of one month beginning with the third anniversary of the date chosen for the previous automatic re-enrolment date.

(2) In a case under section 6(3) (timing of automatic re-enrolment), the automatic re-enrolment date for the purposes of section 5 is the day after the day on which—

- (a) the jobholder ceases to be an active member of the scheme, or
- (b) the scheme ceases to be a scheme of the relevant kind in accordance with section 4 (postponement of automatic enrolment).

(3) In a case under section 6(4), the automatic re-enrolment date for the purposes of section 5 is the day after the day on which—

- (a) the jobholder ceases to be an active member of the scheme, or
- (b) the scheme ceases to be a qualifying scheme.

(4) In a case under section 6(5), the automatic re-enrolment date for the purposes of section 5 is the first day on which all the requirements of section 1(1) (jobholders) are met (so that the person is a jobholder from that date).

Arrangements to achieve active membership

13.—(1) Except where the jobholder becomes an active member of an automatic enrolment scheme under paragraph (2), the arrangements in regulations 6, 7 and 8 are the arrangements prescribed to achieve active membership for the purposes of section 5, but with the following modifications—

- (a) in regulation 6 for all references to “section 3” substitute “section 5”;
- (b) in regulations 6 and 7 for all references to “section 3(2)” substitute “section 5(2)”, and
- (c) in regulations 6, 7 and 8 for all references to “the automatic enrolment date” substitute “the automatic re-enrolment date”.

(2) Subject to paragraph (3), where before the jobholder’s automatic re-enrolment date, the jobholder is a member of a personal pension scheme, or in a case under section 6(5) (timing of automatic re-enrolment) a member of a personal pension scheme or an occupational pension scheme, the employer may meet the obligation in section 5(2) by—

- (a) before the end of a period of one month beginning with the automatic re-enrolment date, entering into arrangements with the provider or the trustees or managers of the scheme of which the jobholder is a member so that—
 - (i) the scheme is an automatic enrolment scheme, and
 - (ii) the jobholder is an active member of that scheme, and
- (b) satisfying the requirements of regulation 7, as if for all references in regulation 7 to “section 3(2)” there were substituted “section 5(2)” and for all references to “the automatic enrolment date” there were substituted “the automatic re-enrolment date”.

(3) Paragraph (2)(b) does not apply in a case under section 6(5).

Jobholders excluded from automatic re-enrolment

14. For the purposes of section 5(4) the prescribed period is the period of 12 months before the automatic re-enrolment date.

Opting out

15. The arrangements in regulations 9 and 10 are the arrangements for the purposes of section 8 (jobholder’s right to opt out) in relation to a jobholder who has become an active member of an automatic enrolment scheme under section 5 (automatic re-enrolment), but with the modification that in regulation 9(1) for “section 3(2)” substitute “section 5(2)”.

Refunds

16. The arrangements in regulation 11 apply for the purposes of section 8 (jobholder’s right to opt out) in relation to a jobholder who has become an active member of an automatic enrolment scheme under section 5.