

STATUTORY RULES OF NORTHERN IRELAND

2010 No. 122

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

PART 7

Automatic enrolment following the transitional period for defined benefit and hybrid schemes

[^{F1}Notice to be given under section 30(3)]

27. Where the employer gives the jobholder the notice mentioned in section 30(3) (transitional period for defined benefits and hybrid schemes), that notice must—

- (a) be in writing;
- (b) be given at any time before the end of the period of [^{F2}6 weeks] beginning with the employer's first enrolment date, and
- (c) include the information described in [^{F3}paragraph 16 or 18 and paragraphs 22 and 24] of Schedule 2.]

Textual Amendments

- F1** Reg. 27 substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/232\)](#), regs. 1(1)(c), **2(13)**
- F2** Words in reg. 27(b) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/243\)](#), regs. 1(1)(b), **4(4)**
- F3** Words in reg. 27(c) substituted (6.8.2015) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/310\)](#), regs. 1, **9**

Arrangements to achieve active membership

28. The arrangements prescribed in regulations 6, 7 and 8 are the arrangements prescribed for the purposes of section 3(2) (automatic enrolment) as modified by section 30(3) (transitional period for defined benefits and hybrid schemes), but with the following modifications—

- (a) for regulation 6 substitute—

“Arrangements to achieve active membership

6.—(1) An employer must meet the obligation in section 3(2) (automatic enrolment) by entering into arrangements with the trustees or managers of an automatic enrolment scheme which is a defined benefits scheme or a hybrid scheme.

(2) An employer must ensure that a jobholder to whom section 3 applies becomes an active member of that scheme with effect from the day after the end of the transitional

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

period prescribed for the purposes of section 30 (transitional period for defined benefits and hybrid schemes).

(3) An employer must carry out the duties in paragraphs (1) and (2) before the end of a period of [^{F4}6 weeks] beginning with the day after the end of the transitional period prescribed for the purposes of section 30.”, and

- (b) in regulations 7 and 8 for all references to “the automatic enrolment date” substitute “the day after the end of the transitional period prescribed for the purposes of section 30”.

Textual Amendments

- F4** Words in [reg. 28\(a\)](#) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/243\)](#), regs. 1(1)(b), **4(4)**

Commencement Information

- I1** [Reg. 28](#) in operation at 1.7.2012, see [reg. 1\(1\)](#)

29. The arrangements prescribed in regulations 6, 7 and 8 are prescribed for the purposes of section 3(2) (automatic enrolment) as modified by section 30(5) (transitional period for defined benefits and hybrid schemes), but with the following modifications—

[^{F5}(a) in regulation 6 for paragraph (1) substitute—

“(1) An employer must meet the obligation in section 3(2) (automatic enrolment) by entering into arrangements with—

- (a) the trustees or managers of an automatic enrolment scheme which is a defined benefits scheme or a hybrid scheme, so that before the end of a period of [^{F6}6 weeks] beginning with the closure date a jobholder to whom section 3 applies becomes an active member of that scheme with effect from the closure date;
- (b) the trustees or managers of an automatic enrolment scheme which is a money purchase scheme, so that before the end of a period of [^{F6}6 weeks] beginning with the closure date a jobholder to whom section 3 applies becomes an active member of that scheme with effect from the automatic enrolment date, or
- (c) the provider of an automatic enrolment scheme which is a personal pension scheme, so that before the end of the period of [^{F6}6 weeks] beginning with the closure date the jobholder to whom section 3 applies receives information about the terms and conditions mentioned in paragraph (4).”;

(aa) in regulation 6(2) and (4) for “paragraph (1)(b)”, in each place it occurs, substitute “paragraph (1)(c)”;

(b) in regulations 7 and 8 for all references to “the automatic enrolment date” substitute “the closure date”, and

(c) in regulation 7 after paragraph (3) add—

“(4) At the request of the jobholder the employer must, for the period prescribed in paragraph (5), deduct any contributions which would have been payable by the jobholder to the scheme in respect of the period beginning on the automatic enrolment date and ending on the closure date, from any qualifying earnings or pensionable pay due to the jobholder in any applicable pay reference period.

(5) For the purposes of paragraph (4), the prescribed period is a period of—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) 5 years beginning with the date on which section 3 comes into operation in accordance with provision made by an order by the Department under section 118(1), or
 - (b) such shorter period as agreed between the jobholder and the employer.
- (6) For the purposes of this regulation and regulation 6 “closure date” has the meaning given by section 30(4) (transitional period for defined benefits and hybrid schemes).”.

Textual Amendments

- F5** Reg. 29(a)(aa) substituted for reg. 29(a) (1.7.2012) by The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2012 (S.R. 2012/232), regs. 1(1)(c), **2(14)**
- F6** Words in reg. 29(a) substituted (1.4.2014) by The Automatic Enrolment (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (S.R. 2013/243), regs. 1(1)(b), **4(4)**

Commencement Information

- I2** Reg. 29 in operation at 1.7.2012, see **reg. 1(1)**

Opting out

30. The arrangements in regulations 9 and 10 are the arrangements for the purposes of section 8 (jobholder’s right to opt out) as it applies in relation to section 3(2) as modified by section 30(3) (transitional period for defined benefits and hybrid schemes).

Commencement Information

- I3** Reg. 30 in operation at 1.7.2012, see **reg. 1(1)**

31. The arrangements in regulations 9 and 10 are the arrangements for the purposes of section 8 (jobholder’s right to opt out) as it applies in relation to section 3(2) as modified by section 30(5) (transitional period for defined benefits and hybrid schemes), but with the modification that in regulation 9(2)(a) for “regulation 6(1)(a)” substitute “regulation 6(1)(a) or (b)”.

Commencement Information

- I4** Reg. 31 in operation at 1.7.2012, see **reg. 1(1)**

Refunds

32. The arrangements in regulation 11 apply for the purposes of section 8 (jobholder’s right to opt out) as it applies in relation to section 3(2) as modified by section 30(3) or (5) (transitional period for defined benefits and hybrid schemes).

Commencement Information

- I5** Reg. 32 in operation at 1.7.2012, see **reg. 1(1)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations modified by [S.R. 2015/122 reg. 4](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1 Sch. renumbered as Sch. 1 by [S.R. 2012/232 reg. 2\(26\)](#)
- Sch. 1 substituted by [S.R. 2013/243 reg. 4\(11\)](#)Sch.
- reg. 35(1)(a)(ii)(bb) word substituted by [S.R. 2013/221 reg. 2\(a\)\(i\)](#)