
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 (“the Automatic Enrolment Regulations”), the Employers’ Duties (Implementation) Regulations (Northern Ireland) 2010 (“the Implementation Regulations”) and the Employers’ Duties (Registration and Compliance) Regulations (Northern Ireland) 2010 (“the Registration and Compliance Regulations”).

Regulation 2 amends the Automatic Enrolment Regulations. Regulation 2(2), (3), (6), (9), (10), (15), (26) and (27) makes amendments to the requirements imposed on employers with regard to the provision of information. Regulation 2(4) makes changes to the meaning of “pay reference period” for the purposes of sections 1(1)(c), 3(1)(c) and 5(1)(c) of the Pensions (No. 2) Act (Northern Ireland) 2008 (“the Act”). Regulation 2(5) substitutes regulation 5 with respect to the pay reference period for the purposes of sections 20 and 26 of the Act.

Regulation 2(7) widens the period within which an employer’s cyclical re-enrolment date must fall. Regulation 2(8) substitutes regulation 14 which excludes certain jobholders from automatic re-enrolment.

Regulation 2(11) and (12) amends Part 6 consequential on the substitution of section 4 of the Act by section 7(2) of the Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.)) (“the 2012 Act”) to make provision with regard to the information an employer must provide to workers where the employer defers automatic enrolment. Regulation 2(13) and (14) makes provision with regard to the notices which must be served with respect to deferral of automatic enrolment under section 30 of the Act. Regulation 2(16) and (19) makes changes consequential on the substitution of section 23 of the Act by section 12(2) of the 2012 Act, with regard to the requirements to be satisfied by a test scheme. Regulation 2(17) amends regulation 38 consequential to changes to state pension age. Regulation 2(18) omits references to regulations 41 and 42 which are revoked by regulation 5. Regulation 2(20) makes amendments to the modified quality requirements to be met by hybrid schemes. Regulation 2(21) makes amendments in relation to non-UK pension schemes to which section 25 or 27 of the Act applies. Regulation 2(22) inserts regulation 47A for the purposes of the definition of “provider” in section 78 of the Act. Regulation 2(23) and (24) makes amendments relating to the time within which contributions may be paid by electronic communication. Regulation 2(25) amends regulation 50 with regard to the due date for the payment of contributions for the purposes of section 37(3) of the Act.

Regulation 3 amends the Implementation Regulations. Regulation 3(2) changes the date those Regulations come into operation and amends a definition. Regulation 3(3) clarifies the meaning of “employer” for the purposes of regulation 2(2) of those Regulations. Regulation 3(4) amends the provisions relating to early automatic enrolment. Regulation 3(5) extends the transitional period for the purposes of section 29 of the Act. Regulation 3(6) extends the transitional period for the purposes of section 30(3) of the Act.

Regulation 4 amends the Registration and Compliance Regulations. Regulation 4(2) changes the date those Regulations come into operation and amends two definitions. Regulation 4(3) clarifies the meaning of regulation 2(2) of those Regulations. Regulation 4(4) amends the information requirements imposed on employers. Regulation 4(5) amends the time limit for registration during re-enrolment and makes technical amendments. Regulation 4(6) and (7) makes amendments relating to the record-keeping duties of employers, trustees, managers and providers. Regulation 4(8) and (9) makes changes in relation to penalties and penalty notices.

Regulation 5 revokes regulations 25, 26, 34, 41 and 42 of the Automatic Enrolment Regulations. As these Regulations, in so far as they are made under the Pensions (Northern Ireland) Order 1995 (“the 1995 Order”), make in relation to Northern Ireland only provision corresponding

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to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, the requirement to consult under Article 117(1) of the 1995 Order does not apply by virtue of paragraph (2)(e) of that Article.

An assessment of the cost to business of these Regulations is detailed in a Regulatory Impact Assessment, a copy of which has been laid in the Business Office and the Library of the Northern Ireland Assembly. Copies of the Assessment are available from the Department for Social Development, Social Security Policy and Legislation Division, Level 1, James House, 2-4 Cromac Avenue, Gasworks Business Park, Ormeau Road, Belfast BT7 2JA or from the website: <http://www.dsdni.gov.uk/index/ssa/ssani-publications/ssani-pensions-publications.htm>. A copy of the Assessment is also annexed to the Explanatory Memorandum which is available alongside this Statutory Rule on the website: <http://www.legislation.gov.uk/nisr>.

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