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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 122**

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

PROSPECTIVE

PART 12

Hybrid schemes

**Interpretation**

**40.** In this Part—

“the paragraph (a) quality requirements” means the requirements for a money purchase scheme under section 20 (referred to in relation to hybrid schemes in paragraph (a) of section 24(1) (quality requirements: UK hybrid schemes));

“the paragraph (b) quality requirements” means the requirements for a defined benefits scheme under sections 21 to 23 (referred to in relation to hybrid schemes in paragraph (b) of section 24(1));

“relevant rule” means any rule made under section 24(2) to (4).

**Commencement Information**

**II** Reg. 40 in operation at 1.10.2012, see [reg. 1\(1\)](#)

**Modification of test scheme standard: money purchase benefit lump sum accruals**

**41.—(1)** Paragraph (2) applies where a relevant rule—

- (a) specifies a description of hybrid schemes, and
- (b) provides that the paragraph (b) quality requirements are to apply to any scheme of that description subject to the modifications made by this regulation.

(2) In determining whether any such scheme satisfies the paragraph (b) quality requirements in relation to a jobholder, section 23 (test scheme) has effect as if for subsection (4) there were substituted—

“(4) The requirements of subsection (4A) or (4B) must be satisfied in relation to the amount available for the provision of a pension to a member at the appropriate age (“the amount”).

(4A) The requirements of this subsection are that the amount must accrue at an annual rate of at least 16% of qualifying earnings.

(4B) The requirements of this subsection are that the amount must—

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- (a) accrue at an annual rate of at least 8% of qualifying earnings, and
- (b) until the date on which the member attains normal pension age (within the meaning of the Pension Schemes Act), be increased as a minimum by 3.5% per annum, in addition to any increase that is required by virtue of regulation 37(2) (a) of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010.”.

(3) Where the modification described in paragraph (2) has effect in relation to a hybrid scheme of the relevant description, regulation 39 is to be read as if, after paragraph (4) there were inserted—

“(4A) Where, in relation to a scheme to which the modification described in regulation 41(2) applies, an employer is determining whether the scheme satisfies the test scheme standard—

- (a) the employer must choose between a test scheme which satisfies the requirements of section 23(4A) or those of section 23(4B), and
- (b) having made that choice, that is the test scheme which the employer must apply in relation to all persons who are relevant members.”.

#### Commencement Information

**I2** Reg. 41 in operation at 1.10.2012, see [reg. 1\(1\)](#)

#### Modification of test scheme standard: final salary lump sum accruals

**42.**—(1) Paragraph (2) applies where a relevant rule—

- (a) specifies a description of hybrid schemes, and
- (b) provides that the paragraph (b) quality requirements are to apply to any scheme of that description subject to the modification made by this regulation.

(2) In determining whether any such scheme satisfies the paragraph (b) quality requirements in relation to a jobholder, section 23 has effect as if for subsection (4) there were substituted—

“(4) The amount available for the provision of a pension to a member must accrue at an annual rate of at least 16% of average qualifying earnings in the last three tax years preceding the end of pensionable service.”.

#### Commencement Information

**I3** Reg. 42 in operation at 1.10.2012, see [reg. 1\(1\)](#)

#### Modification allowing different quality requirements to be satisfied in aggregate

**43.**—(1) Paragraphs (2) to (5) apply where a relevant rule—

- (a) specifies a description of hybrid schemes, and
- (b) provides that—
  - (i) the provisions of any scheme of that description which relate to defined benefits and the provisions of the scheme relating to money purchase benefits are to be treated as if they provided for benefits under separate schemes;
  - (ii) in respect of the money purchase benefits provisions, the paragraph (a) quality requirements are to apply;

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(iii) in respect of the defined benefits provisions, the paragraph (b) quality requirements are to apply, and

(iv) those quality requirements are to apply to the scheme subject to the modifications made by this regulation.

(2) Notwithstanding that not all of the paragraph (a) quality requirements or the paragraph (b) quality requirements are satisfied in relation to the scheme, those requirements are nevertheless to be treated as having been satisfied in relation to any jobholder in the circumstances set out in paragraph (3).

(3) The circumstances are that—

(a) all of the paragraph (a) quality requirements are met apart from either or both of the requirement in section 20(1)(b) (“requirement X”) and the requirement in section 20(1)(c);

(b) all of the paragraph (b) quality requirements are met apart from the requirement in section 23(4) (“requirement Y”), and

(c) having carried out the calculations set out in paragraph (4), the aggregate of the resulting percentages is at least 100.

(4) Each of the following is to be calculated as a percentage—

(a) the extent to which requirement X is met as a proportion of the minimum rate of employer’s contribution specified in section 20(1)(b);

(b) the extent to which requirement Y is met as a proportion of the annual rate of pension specified in section 23(4).

(5) In relation to a scheme to which any modification described in regulation 41 or 42 applies by virtue of a relevant rule, the reference in paragraph (3)(b) to the requirement in section 23(4) is to that requirement as modified by regulation 41 or 42, as the case may be.

(6) Where paragraphs (2) to (5) have effect in relation to a hybrid scheme of the relevant description, regulation 39 is to be read as if, for paragraph (5), there were substituted—

“(5) A scheme actuary or employer may not certify that a scheme satisfies the test scheme standard if the aggregate percentage referred to in regulation 43(3)(c) is less than 100 in relation to more than 10% of relevant members.”.

#### **Commencement Information**

**I4** Reg. 43 in operation at 1.10.2012, see **reg. 1(1)**

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations modified by [S.R. 2015/122 reg. 4](#)
- Part 7A inserted by [S.R. 2012/237 reg. 2\(3\)](#)

**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):

- Pt. 1A inserted by [S.R. 2012/238 reg. 2](#)
- Pt. 1A heading words added by [S.R. 2015/310 reg. 4](#)
- Pt. 7B inserted by [S.R. 2015/310 reg. 10](#)
- 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.](#)
- Sch. 2 added by [S.R. 2012/232 reg. 2\(27\)Sch.](#)
- Sch. 2 added by [S.R. 2012/232 reg. 2\(27\)Sch.](#)
- Sch. 2 para. 3 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 7 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 19 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 23 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 25 omitted by [S.R. 2015/310 reg. 13\(c\)](#)
- Sch. 2 para. 1 substituted by [S.R. 2015/310 reg. 13\(b\)](#)
- Sch. 2 para. 18 substituted by [S.R. 2015/310 reg. 13\(e\)](#)
- Sch. 2 para. 6 words substituted by [S.R. 2015/310 reg. 13\(d\)](#)
- Sch. 2 words substituted by [S.R. 2015/310 reg. 13\(a\)](#)
- reg. 5B-5F inserted by [S.R. 2015/310 reg. 5](#)
- reg. 5D(1)(d) word substituted by [S.R. 2017/38 reg. 2\(a\)](#)
- reg. 5D(1)(e) added by [S.R. 2017/38 reg. 2\(b\)](#)
- reg. 5E(1)(c) substituted by [S.R. 2016/142 reg. 2\(2\)](#)
- reg. 5F(1)(a) words substituted by [S.R. 2016/142 reg. 2\(4\)](#)
- reg. 5EA-5EB inserted by [S.R. 2016/142 reg. 2\(3\)](#)
- reg. 9(6)(a)(aa) substituted for reg. 9(6)(a) by [S.R. 2013/243 reg. 4\(6\)\(a\)](#)
- reg. 9(8) added by [S.R. 2013/243 reg. 4\(6\)\(b\)](#)
- reg. 24(1)(1A)(1B) substituted for reg. 24(1) by [S.R. 2015/310 reg. 8\(a\)](#)
- reg. 24(3) words substituted by [S.R. 2013/243 reg. 4\(4\)](#)
- reg. 27(b) words substituted by [S.R. 2013/243 reg. 4\(4\)](#)
- reg. 27(c) words substituted by [S.R. 2015/310 reg. 9](#)
- reg. 29(a)(aa) substituted for reg. 29(a) by [S.R. 2012/232 reg. 2\(14\)](#)
- reg. 32E(1) words omitted by [S.I. 2019/193 reg. 29\(2\)](#)
- reg. 32E(1) words substituted by [S.R. 2022/191 reg. 35Sch. 7 para. 2\(2\)\(a\)](#)
- reg. 32E(1) words substituted by [S.R. 2023/117 Sch. 7 para. 2\(2\)\(a\)](#)
- reg. 32E(1) words substituted by [S.R. 2023/7 Sch. 7 para. 2\(2\)\(a\)](#)
- reg. 32E(1) words substituted by [S.R. 2024/15 Sch. 7 para. 2\(2\)\(a\)](#)
- reg. 32E(1A) inserted by [S.R. 2022/191 reg. 35Sch. 7 para. 2\(2\)\(b\)](#)
- reg. 32E(1A) inserted by [S.R. 2023/117 Sch. 7 para. 2\(2\)\(b\)](#)

- reg. 32E(1A) inserted by S.R. 2023/7 Sch. 7 para. 2(2)(b)
- reg. 32E(1A) inserted by S.R. 2024/15 Sch. 7 para. 2(2)(b)
- reg. 32G(1) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(4)
- reg. 32G(1) words inserted by S.R. 2023/117 Sch. 7 para. 2(4)
- reg. 32G(1) words inserted by S.R. 2023/7 Sch. 7 para. 2(4)
- reg. 32G(1) words inserted by S.R. 2024/15 Sch. 7 para. 2(4)
- reg. 32H(1A) inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(a)
- reg. 32H(1A) inserted by S.R. 2023/117 Sch. 7 para. 2(5)(a)
- reg. 32H(1A) inserted by S.R. 2023/7 Sch. 7 para. 2(5)(a)
- reg. 32H(1A) inserted by S.R. 2024/15 Sch. 7 para. 2(5)(a)
- reg. 32H(2) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(b)
- reg. 32H(2) words inserted by S.R. 2023/117 Sch. 7 para. 2(5)(b)
- reg. 32H(2) words inserted by S.R. 2023/7 Sch. 7 para. 2(5)(b)
- reg. 32H(2) words inserted by S.R. 2024/15 Sch. 7 para. 2(5)(b)
- reg. 32H(8A)-(8D) inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(c)
- reg. 32H(8A)-(8D) inserted by S.R. 2023/117 Sch. 7 para. 2(5)(c)
- reg. 32H(8A)-(8D) inserted by S.R. 2023/7 Sch. 7 para. 2(5)(c)
- reg. 32H(8A)-(8D) inserted by S.R. 2024/15 Sch. 7 para. 2(5)(c)
- reg. 32H(9) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(d)
- reg. 32H(9) words inserted by S.R. 2023/117 Sch. 7 para. 2(5)(d)
- reg. 32H(9) words inserted by S.R. 2023/7 Sch. 7 para. 2(5)(d)
- reg. 32H(9) words inserted by S.R. 2024/15 Sch. 7 para. 2(5)(d)
- reg. 32H(10) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(5)(e)
- reg. 32H(10) words inserted by S.R. 2023/117 Sch. 7 para. 2(5)(e)
- reg. 32H(10) words inserted by S.R. 2023/7 Sch. 7 para. 2(5)(e)
- reg. 32H(10) words inserted by S.R. 2024/15 Sch. 7 para. 2(5)(e)
- reg. 32I(1) words omitted by S.R. 2014/89 reg. 2(2)
- reg. 32J omitted by S.I. 2019/193 reg. 29(3)
- reg. 32K(1) word inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(6)(b)
- reg. 32K(1) word inserted by S.R. 2023/117 Sch. 7 para. 2(6)(b)
- reg. 32K(1) word inserted by S.R. 2023/7 Sch. 7 para. 2(6)(b)
- reg. 32K(1) word inserted by S.R. 2024/15 Sch. 7 para. 2(6)(b)
- reg. 32K(1) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(6)(a)
- reg. 32K(1) words inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(6)(c)
- reg. 32K(1) words inserted by S.R. 2023/117 Sch. 7 para. 2(6)(a)
- reg. 32K(1) words inserted by S.R. 2023/117 Sch. 7 para. 2(6)(c)
- reg. 32K(1) words inserted by S.R. 2023/7 Sch. 7 para. 2(6)(a)
- reg. 32K(1) words inserted by S.R. 2023/7 Sch. 7 para. 2(6)(c)
- reg. 32K(1) words inserted by S.R. 2024/15 Sch. 7 para. 2(6)(a)
- reg. 32K(1) words inserted by S.R. 2024/15 Sch. 7 para. 2(6)(c)
- reg. 32M(3) words inserted by S.R. 2016/142 reg. 2(5)(a)
- reg. 32M(4) words inserted by S.R. 2016/142 reg. 2(5)(b)
- reg. 32M(5A)-(5D) inserted by S.R. 2016/142 reg. 2(5)(c)
- reg. 32M(6) words substituted by S.R. 2016/142 reg. 2(5)(d)
- reg. 32M(9) words inserted by S.R. 2016/142 reg. 2(5)(e)(i)
- reg. 32M(9)(b) substituted by S.R. 2016/142 reg. 2(5)(e)(ii)
- reg. 32M(9)(c) words omitted by S.R. 2016/142 reg. 2(5)(e)(iii)
- reg. 32M(9)(d) substituted by S.R. 2016/142 reg. 2(5)(e)(iv)
- reg. 32M(12) words inserted by S.R. 2016/142 reg. 2(5)(f)
- reg. 32EA inserted by S.R. 2022/191 reg. 35Sch. 7 para. 2(3)
- reg. 32EA inserted by S.R. 2023/117 Sch. 7 para. 2(3)
- reg. 32EA inserted by S.R. 2023/7 Sch. 7 para. 2(3)
- reg. 32EA and cross heading inserted by S.R. 2024/15 Sch. 7 para. 2(3)
- reg. 35(1)(a)(ii)(bb) words substituted by S.R. 2013/221 reg. 2(a)(i)
- reg. 35(1)(c) added by S.R. 2013/221 reg. 2(a)(iii)
- reg. 35(1A) inserted by S.R. 2013/221 reg. 2(b)
- reg. 36(2A) inserted by S.R. 2014/89 reg. 2(3)(b)
- reg. 36(4)(b)(c) words omitted by S.R. 2012/390 reg. 2(b)(ii)

- reg. 39A inserted by [S.R. 2012/232 reg. 2\(19\)](#)
- reg. 39A substituted by [S.R. 2013/243 reg. 4\(9\)](#)
- reg. 47A inserted by [S.R. 2012/232 reg. 2\(22\)](#)