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STATUTORY INSTRUMENTS

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**2010 No. 772**

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

**PART 5**

**Workers joining pension saving**

**Information**

**21.**—(1) At any time before the end of a period of one month beginning with the date on which section 9 (workers without qualifying earnings) of the Act first applies to a worker, the worker's employer must give the worker the information specified in paragraph (2).

(2) The information, which must be given in writing, is—

- (a) a statement that the worker may, by giving a joining notice, require the employer to make arrangements for the worker to become an active member of a pension scheme;
- (b) a statement that a joining notice must be in writing and be signed by the worker or, where the notice is in an electronic format, include a statement confirming that the worker personally submitted the notice;
- (c) a statement that the worker may, subject to the scheme rules, choose how much to contribute to a pension scheme; and
- (d) a statement giving details of where to obtain further information about pensions and saving for retirement.

**Form and content of joining notices**

**22.**—(1) A joining notice must be in writing and, save where paragraph (2) applies, be signed by the worker.

(2) Where the joining notice is in an electronic format, it must include a statement confirming that the worker personally submitted the notice.

**Arrangements to achieve active membership**

**23.**—(1) The arrangements an employer who is given a joining notice by a worker must make for the purpose of section 9(2) of the Act are to—

- (a) enter into arrangements with—
  - (i) the trustees or managers of an occupational pension scheme which satisfies the requirements of section 9(7) of the Act; or
  - (ii) the provider of a personal pension scheme which satisfies the requirements of section 9(7) of the Act,

so that the worker who is the subject of the joining notice becomes an active member of the scheme in accordance with the scheme rules or requirements applicable to that scheme; and

(b) provide the trustees or managers of the occupational pension scheme or the personal pension scheme provider with the information specified in regulation 3(1)(a) to (d) and (f) to (k).

(2) The requirement in paragraph (1)(b) does not apply in relation to the information specified in regulation 3(1)(g), (h), (i), (j) or (k), where the trustees or managers of the occupational pension scheme notify, or the personal pension scheme provider notifies, the employer that they do not require that piece of information to achieve active membership of that scheme.

(3) Where the information referred to in regulation 3(1)(f) is not available to the employer on the date the notice is received by the employer, the employer must give the trustees or managers of the occupational pension scheme or the personal pension scheme provider that information within one month from the date on which the employer receives it.

(4) For the purposes of this regulation, any reference to ‘the jobholder’ in regulation 3(1) shall be read as a reference to ‘worker’.