
STATUTORY INSTRUMENTS

2010 No. 772

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

PART 7

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

Information

27.—(1) This regulation applies in relation to a jobholder affected by the transitional period for defined benefit and hybrid schemes under section 30 (transitional period for defined benefits and hybrid schemes) of the Act.

(2) At any time before the end of a period of two months beginning with the employer's first enrolment date, the jobholder's employer must give the jobholder the information specified in paragraph (3).

- (3) The jobholder's employer must give the jobholder the following information in writing—
- (a) the name, address, telephone number and electronic contact details of the scheme in respect of which the jobholder will become an active member;
 - (b) the jobholder's automatic enrolment date;
 - (c) a statement that the jobholder may, by notice, require the employer to make arrangements for the jobholder to join the scheme;
 - (d) a statement that the opt in notice must be in writing and be signed by the jobholder or, where the notice is in an electronic format, include a statement confirming that the jobholder personally submitted the notice;
 - (e) a statement that the opt in notice must be given to the employer;
 - (f) the value of any contributions payable to the scheme by the employer and the jobholder in any applicable pay reference period; and
 - (g) a statement giving details of where to obtain further information about pensions and saving for retirement.

- (4) For the purposes of this regulation—

“employer's first enrolment date” has the meaning given in section 30(9) of the Act;

“the value” of contributions may be expressed as a fixed amount or a percentage of any qualifying earnings or pensionable pay due to the jobholder in any applicable pay reference period.

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) of the Act as modified by section 30(3) (transitional period for defined benefits and hybrid schemes) of the Act, but with the following modifications—

(a) for regulation 6 substitute—

“**6.**—(1) An employer must meet the obligation in section 3(2) (automatic enrolment) of the Act 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 of the Act applies becomes an active member of that scheme with effect from the day after the end of the transitional period prescribed for the purposes of section 30 (transitional period for defined benefits and hybrid schemes) of the Act.

(3) An employer must carry out the duties in paragraphs (1) and (2) before the end of a period of one month beginning with the day after the end of the transitional period prescribed for the purposes of section 30 of the Act.”; 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 of the Act”.

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

(a) for regulation 6 substitute—

“**6.** An employer must meet the obligation in section 3(2) (automatic enrolment) of the Act 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 one month beginning with the closure date, a jobholder to whom section 3 of the Act applies becomes an active member of that scheme with effect from the closure date; or

(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 one month beginning with the closure date a jobholder to whom section 3 of the Act applies becomes an active member of that scheme with effect from the automatic enrolment date.”.

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

(c) at the end of regulation 7 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—

(a) 5 years beginning with the date on which section 3 (automatic enrolment) of the Act comes into force in accordance with provision made by order by the Secretary of State under section 149(1) of the Act; or

(b) such shorter period as is 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) of the Act.”.

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) of the Act as modified by section 30(3).

31. The arrangements in regulations 9 and 10 are the arrangements for the purposes of section 8 of the Act as modified by section 30(5), but with the modification that in paragraph (2)(a) of regulation 9 for “regulation 6(1)(a)” substitute “regulation 6(1)(a) or (b)”.

Refunds

32. The arrangements in regulation 11 are the arrangements for the purposes of section 8 of the Act as modified by section 30(3) or (5) of the Act.