

2012 No. 1477

PENSIONS

The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) (No. 2) Regulations 2012

<i>Made</i> - - - -	<i>8th June 2012</i>
<i>Laid before Parliament</i>	<i>11th June 2012</i>
<i>Coming into force</i> - -	<i>2nd July 2012</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 292A(a), 315(2) and 318(1) of the Pensions Act 2004(a).

In accordance with section 317(1) of that Act, the Secretary of State has consulted with such persons as the Secretary of State considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) (No. 2) Regulations 2012 and come into force on 2nd July 2012.

Amendment of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010

2. After regulation 5 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(b) (pay reference periods for the purposes of section 20(1)(b) and (c) and section 26(4)(b) and (5)(b) of the Act) insert—

“PART 1A

Exemption

Exemption of European employers

5A. Sections 2(1), 3(2), 5(2), 7(3), 9(2) and 54 of the Act (employer’s obligations regarding membership of a qualifying scheme) do not apply in relation to a person’s employment of an individual in relation to whom the person is a European employer(c).”

(a) 2004 c. 35. Section 292A was inserted by the Pensions Act 2011 (c. 19), section 18. Section 318(1) is cited for the meaning given to “regulations”.
(b) S.I. 2010/772. Regulation 5 was substituted by S.I. 2012/215, regulation 20.
(c) “European employer” is defined in regulation 3 of the Occupational Pension Schemes (Cross-border Activities) Regulations 2005 (S.I. 2005/3381) as amended by S.I. 2007/814, regulation 18(1) and (3) and S.I. 2007/3014, regulation 5(1) and (3).

Signed on behalf of the Secretary of State for Work and Pensions

8th June 2012

Steve Webb
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 292A(a) of the Pensions Act 2004 (c. 35) and amend the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 (S.I. 2010/772).

Regulation 2 amends those Regulations by inserting a new Part 1A that makes provision exempting employers from the employers' obligations under sections 2(1), 3(2), 5(2), 7(3), 9(2) and 54 of the Pensions Act 2008 (c. 30) in relation to individuals in relation to whom the employer is a European employer. "European employer" is defined in regulation 3 of the Occupational Pension Schemes (Cross-border Activities) Regulations 2005 (S.I. 2005/3381).

These regulations reduce costs on the private sector and civil society organisations. An assessment of the impact of this legislation on the private sector and civil society organisations has been made. A copy of the impact assessment is available in the libraries of both Houses of Parliament and is annexed to the Explanatory Memorandum which is available alongside this instrument on www.legislation.gov.uk. Copies of the impact assessment may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA, or from the DWP website: <http://www.dwp.gov.uk/publications/impact-assessments/>.

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