

STATUTORY INSTRUMENTS

2010 No. 772

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

PART 3

Automatic re-enrolment

Automatic re-enrolment dates

12.—(1) Subject to paragraphs ^{F1}... (3) and (4), the automatic re-enrolment date for the purposes of section 5 (automatic re-enrolment) of the Act—

- (a) is the date chosen at the discretion of the employer, within a period [^{F2}beginning 3 months before, and ending at the end of the period of 3 months beginning with,] the third anniversary of the staging date; and
- (b) thereafter, is the date chosen at the discretion of the employer, within a period [^{F2}beginning 3 months before, and ending at the end of the period of 3 months beginning with,] the third anniversary of the date chosen for the previous automatic re-enrolment date.

^{F3}(2)

(3) In a case under section 6(4) of the Act, the automatic re-enrolment date for the purposes of section 5 is the day after the day on which [^{F4}the jobholder ceases to be an active member of the scheme]

(4) In a case under section 6(5) of the Act, the automatic re-enrolment date for the purposes of section 5 is the first day on which all the requirements of section 1(1) (jobholders) of the Act are met (so that the person is a jobholder from that date).

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| F1 | Words in reg. 12(1) omitted (1.7.2012) by virtue of The Automatic Enrolment (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/215) , regs. 1(2)(c), 21(a) |
| F2 | Words in reg. 12(1)(a)(b) substituted (1.7.2012) by The Automatic Enrolment (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/215) , regs. 1(2)(c), 21(b) |
| F3 | Reg. 12(2) omitted (1.7.2012) by virtue of The Automatic Enrolment (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/215) , regs. 1(2)(c), 21(c) |
| F4 | Words in reg. 12(3) substituted (1.7.2012) by The Automatic Enrolment (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/215) , regs. 1(2)(c), 21(d) |

Arrangements to achieve active membership

13.—(1) Except where the jobholder becomes an active member of an automatic enrolment scheme under paragraph (2), the arrangements in regulations 6, 7 and 8 are the arrangements prescribed to achieve active membership for the purposes of section 5 of the Act, but with the following modifications—

- (a) in regulation 6 for all references to “section 3” substitute “ ;section 5 ”;

- (b) in regulations 6, 7 and 8 for all references to “section 3(2)” substitute “ ;section 5(2) ”; and
- (c) in regulations 6, 7 and 8 for all references to “the automatic enrolment date” substitute “ ;the automatic re-enrolment date ”.

(2) Subject to paragraph (3), where before the jobholder's automatic re-enrolment date, the jobholder is a member of a personal pension scheme, or in a case under section 6(5) of the Act a member of a personal pension scheme or an occupational pension scheme, the employer may meet the obligation in section 5(2) of the Act by—

- (a) before the end of a period of [^{F5}six weeks] beginning with the automatic re-enrolment date, entering into arrangements with the provider or the trustees or managers of the scheme of which the jobholder is a member so that—
 - (i) the scheme is an automatic enrolment scheme; and
 - (ii) the jobholder is an active member of that scheme; and
- (b) satisfying the requirements of regulation 7, as if for all references in regulation 7 to “section 3(2)” there was substituted “ ;section 5(2) ” and for all references to “the automatic enrolment date” there was substituted “ ;the automatic re-enrolment date ”.

(3) Paragraph (2)(b) does not apply in a case under section 6(5) of the Act.

F5 Words in reg. 13(2)(a) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(2), **5(4)**

Jobholders excluded from automatic re-enrolment

^{F6}**14.**

F6 Reg. 14 revoked (1.4.2015) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations 2015 \(S.I. 2015/501\)](#), regs. 1, **6**

Opting out

15. 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 in relation to a jobholder who has become an active member of an automatic enrolment scheme under section 5 of the Act, but with the modification that in paragraph (1) of regulation 9 for “section 3(2)” substitute “ ;section 5(2) ”.

Refunds

16. The arrangements in regulation 11 are the arrangements for the purposes of section 8 of the Act in relation to a jobholder who has become an active member of an automatic enrolment scheme under section 5 of the Act.

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, PART 3.