
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

[^{F1}Notice to be given under section 30(3) of the Act

27. Where the employer gives the jobholder the notice mentioned in section 30(3) of the Act (transitional period for defined benefits and hybrid schemes), that notice must—

- (a) be in writing;
- (b) be given at any time before the end of the period of [^{F2}six weeks] beginning with the employer's first enrolment date; and
- (c) include the information described in [^{F3}paragraphs 16 or 18 and paragraphs 22 and 24] of Schedule 2.]

Textual Amendments

- F1** Reg. 27 substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **28**
- F2** Words in reg. 27(b) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(2), **5(7)**
- F3** Words in reg. 27(c) substituted (1.4.2015) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations 2015 \(S.I. 2015/501\)](#), regs. 1, **10**

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 [^{F4}six weeks] 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 ”.

Textual Amendments

- F4** Words in reg. 28(a) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(2), **5(4)**

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 [^{F5}regulation 6(1)] substitute—

[^{F6}“(1)]. 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 [^{F7}six weeks] 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;^{F8} ...
- (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 [^{F7}six weeks] 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;^{F9} or
- (c) the provider of an automatic enrolment scheme which is a personal pension scheme so that before the end of the period of [^{F10}six weeks] beginning with the closure date the jobholder to whom section 3 of the Act applies receives information about the terms and conditions mentioned in paragraph (4).”]

[^{F11}(aa) in regulation 6(2) and (4) for “paragraph (1)(b)” each time it occurs substitute “paragraph (1)(c)”]

- (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.”.

Textual Amendments

- F5** Words in reg. 29(a) substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **29(a)**
- F6** Word in reg. 29 substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **29(b)**
- F7** Words in reg. 29(a) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(2), **5(4)**
- F8** Word in reg. 29 omitted (1.7.2012) by virtue of [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **29(c)**
- F9** Words in reg. 29 inserted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **29(d)**
- F10** Words in reg. 29(a) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(2), **5(7)**
- F11** Reg. 29(aa) inserted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **29(e)**

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.

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, PART 7.