
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st October 2012, make amendments to the Teachers' Pensions Regulations 2010.

The amendments make changes to the arrangements for members to opt into and out of the Teachers' Pension Scheme ("the Scheme"). This is to assist employers with employees in, or eligible to join, the Scheme in complying with certain of the requirements set out in the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010. Those Regulations prescribe arrangements, provided for by Chapter 1 of Part 1 of the Pensions Act 2008 ("the Act"), for employers to enrol jobholders who are not active members of a pension scheme into a compliant scheme with effect from the automatic enrolment date, to process opt-out notices where these are received, and to re-enrol those who opt out at three-yearly intervals.

There is an extended phasing-in of the employers' duties under the Act. Some of the amendments to the Teachers' Pensions Regulations 2010 apply only when the automatic enrolment date has been reached (regulations 3, 4 and 7). Thereafter, an employment which falls into Parts 2 or 3 of Schedule 2 is no longer pensionable on election, although an existing election remains effective (regulation 3). The employer is under a duty to enrol jobholders who are not members of any scheme into an eligible scheme without requiring any election by the jobholder.

Other changes take immediate effect when these Regulations come into force. These include the reduction of the minimum age for membership of the Scheme from 18 to 16 (regulation 4) and the power for a member to opt into and out of the Scheme in respect of individual employment contracts (regulations 6, 7 and 8).

Definitions of the Pensions Act 2008, "automatic enrolment date" and "the Scheme" are added to the Glossary in Schedule 1 (regulation 9).

An impact assessment has not been produced for this instrument as it has no impact on businesses or civil society organisations. The instrument has a minimal impact on the public sector.