
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to how sections 2 to 9 of the Pensions Act 2008 (‘the employers’ duties’) apply to employers. Those duties include the duty on an employer (under section 3 of that Act) to make prescribed arrangements by which jobholders become active members of automatic enrolment pension schemes. These Regulations also set the transitional periods for money purchase and personal pension schemes (in regulation 5) and for defined benefits and hybrid schemes (in regulation 6).

Regulation 2 makes provision for the application of the employers’ duties to employers.

Regulation 3 provides how the employers’ duties apply to an employer earlier than the date on which they otherwise would have applied to that employer, where an employer satisfies certain conditions.

Regulation 4 and the table in it provide how the employers’ duties apply to employers over a period from 1st October 2012 to 1st September 2016.

Regulation 5 sets the length of the two transitional periods during which the quality requirement for UK money purchase and personal pension schemes is less than what is provided for in sections 20 and 26 of the Pensions Act 2008. At the expiry of the two transitional periods, the quality requirement for those types of scheme will be what is provided for in that Act.

Regulation 6 prescribes the length of the transitional period for defined benefits and hybrid schemes. Where the conditions in section 30(2) of the Pensions Act 2008 are satisfied and continue to be satisfied during that transitional period, an employer is under a duty to make arrangements for jobholders to become active members of an automatic enrolment scheme from the end of that period.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Work and Pensions, ERSP, Level 7, Caxton House, Tothill Street, London SW1H 9NA and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.