
STATUTORY INSTRUMENTS

2010 No. 772

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

PART 1

Citation, commencement and interpretation

Citation, commencement ^{F1}... and interpretation

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 and shall come into force on [^{F2}1st July 2012, immediately after the time when the amendments made by the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2012 come into force].

^{F3}(1A)

^{F4}(1B)

(2) In these Regulations—

“the Act” means the Pensions Act 2008;

“the 1993 Act” means the Pension Schemes Act 1993;

“the 1995 Act” means the Pensions Act 1995;

“applicable pay reference period” means—

(a) a period of one week; or

(b) in the case of a jobholder who is paid their regular wage or salary by reference to a period longer than a week, that period;

“automatic enrolment date” has the meaning given by section 3(7) (automatic enrolment) of the Act;

“automatic re-enrolment date” means the date determined in accordance with regulation 12;

“enrolment date” means the date determined in accordance with regulation 18(6);

“enrolment information” has the meaning given by regulation 2;

“jobholder information” has the meaning given by regulation 3;

“joining notice” means a notice given under section 9(2) (workers without qualifying earnings) of the Act;

“opt in” means the jobholder's right under section 7(3) of the Act (jobholder's right to opt in) by notice to require the employer to arrange for the jobholder to become an active member of an automatic enrolment scheme;

“opt in notice” means a notice given under section 7(3) (jobholder's right to opt in) of the Act;

“opt out” means the jobholder's right to give notice under section 8 (jobholder's right to opt out) of the Act;

“opt out notice” means a notice in the form set out in the [^{F5}Schedule 1] ;

“opt out period” means the period determined in accordance with regulation 9(2) or (3);

“staging date” means the date on which sections 2 to 8 of the Act first apply in relation to the employer.

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| F1 | Word in reg. 1 heading omitted (30.6.2020) by virtue of The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2020 (S.I. 2020/630) , regs. 1, 2(a) |
| F2 | Words in reg. 1(1) substituted (1.7.2012) by The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2012 (S.I. 2012/1257) , regs. 1(2)(b), 3(b) |
| F3 | Reg. 1(A) omitted (30.6.2020) by virtue of The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2020 (S.I. 2020/630) , regs. 1, 2(b) |
| F4 | Reg. 1(B) omitted (30.6.2020) by virtue of The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2020 (S.I. 2020/630) , regs. 1, 2(b) |
| F5 | Words in reg. 1 substituted (1.7.2012) by The Automatic Enrolment (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/215) , regs. 1(2)(c), 43(1) |

Enrolment information

[^{F6}2. In these Regulations “enrolment information” means the information described in paragraphs 1-15, [^{F7}and 24] of Schedule 2.]

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| F6 | Reg. 2 substituted (1.7.2012) by The Automatic Enrolment (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/215) , regs. 1(2)(c), 18 |
| F7 | Words in reg. 2 substituted (1.4.2015) by The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2015 (S.I. 2015/501) , regs. 1, 3 |

Jobholder information

3.—(1) In these Regulations “jobholder information” is the jobholder's—

- (a) name;
- (b) date of birth;
- (c) postal residential address;
- (d) gender;
- (e) automatic enrolment date, automatic re-enrolment date or enrolment date, as the case may be, or for a jobholder to whom regulation 28 or 29 applies, the date mentioned in regulation 7(1) as modified by regulation 28 or 29, as the case may be;
- (f) national insurance number;
- (g) the gross earnings due to the jobholder in any applicable pay reference period;
- (h) the value of any contributions payable to the scheme by the employer and the jobholder in any applicable pay reference period, where this information is available to the employer;
- (i) postal work address;
- (j) individual work e-mail address, where an individual work e-mail address is allocated to that jobholder; and
- (k) personal e-mail address, where the employer holds this information.

(2) For the purposes of paragraph (1)(h), “the value” of contributions may be expressed as a fixed amount or a percentage of any qualifying earnings or pensionable pay due to the jobholder in any applicable pay reference period.

Pay reference periods for the purposes of [F8 sections 1(1)(c), 3(1)(c) and 5(1)(c)] of the Act

[F9 4.—(1) This regulation applies for the purposes of sections 1(1)(c), 3(1)(c) and 5(1)(c) of the Act (jobholders, automatic enrolment and automatic re-enrolment).

(2) The pay reference period in respect of a person is determined in accordance with paragraph (3) or paragraphs (4) and (5), whichever the employer may decide.

(3) For the purposes of this paragraph, the pay reference period is—

- (a) in the case of a person who is paid their regular wage or salary by reference to a period of a week, the period of one week;
- (b) in the case of a person who is paid their regular wage or salary by reference to a period longer than a week, that period.

(4) For the purposes of this paragraph, subject to paragraph (6)(b), a pay reference period is—

- (a) a period equal in length to the usual interval between payments of the person’s regular wage or salary; or
- (b) the period of a week,

whichever is the longer.

(5) For the purposes of paragraph (4), pay reference periods commence—

- (a) where the person is paid monthly, on the first day of a tax month;
- (b) where the person is paid weekly or the pay reference period is a week, on the first day of a tax week;
- (c) where the person is paid at intervals of multiple weeks, on—
 - (i) 6th April; and
 - (ii) the first day of the tax week which commences immediately after the expiry of a pay interval period beginning on 6th April, unless paragraph (6) applies; and
- (d) where the person is paid at intervals of multiple months, on—
 - (i) 6th April; and
 - (ii) the first day of the tax month which commences immediately after the expiry of a pay interval period beginning on 6th April, unless paragraph (6) applies.

(6) Where paragraphs (4) and (5) apply and a pay reference period includes the last day of a tax year—

- (a) the next pay reference period commences on 6th April; and
- (b) if the qualifying earnings which, but for this sub-paragraph, would fall in that pay reference period, are paid or payable on or after 6th April, the pay reference period ends on 5th April.

(7) In this regulation—

“pay interval period” means a period which is equal in length to the usual interval between payments and each whole multiple of that period;

“tax month” means the period beginning with the sixth day of the month and ending on the fifth day of the following month; and

“tax week” means one of the successive periods in a tax year beginning with the first day of that year and every seventh day after that (so that the last day of a tax year or, in the case of a tax year ending in a leap year, the last two days is treated as a separate week).]

- F8** Words in reg. 4 heading substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **19(a)**
- F9** Reg. 4 substituted (1.11.2013) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(1), **5(2)**

Pay reference periods for the purposes of section 20(1)(b) and (c) and section 26(4)(b) and (5)(b) of the Act

[^{F10}**5.**—(1) The pay reference periods for the purposes of section 20(1)(b) and (c) (quality requirement: UK money purchase schemes) and section 26(4)(b) and (5)(b) (quality requirement: UK personal pension schemes) of the Act are as follows.

- (2) A pay reference period may be either—
- (a) subject to paragraph (10), a period of a year, ending on the day before an anniversary of the employer’s staging date;
 - (b) a period which is equal in length to the period by reference to which the jobholder is paid their regular wage or salary, commencing on the first day of that period; or
 - (c) subject to paragraph (4)(b), a period which is equal in length to the usual interval between payments of the jobholder’s regular wage or salary, commencing on the date determined in accordance with paragraph (3).
- (3) Where paragraph (2)(c) applies, pay reference periods in respect of a person commence—
- (a) where the person is paid monthly, on the first day of a tax month;
 - (b) where the person is paid weekly, on the first day of a tax week;
 - (c) where the person is paid at intervals of multiple weeks, on—
 - (i) 6th April; and
 - (ii) the first day of the tax week which commences immediately after the expiry of a pay interval period beginning on 6th April, unless paragraph (4) applies; and
 - (d) where the person is paid at intervals of multiple months, on—
 - (i) 6th April; and
 - (ii) the first day of the tax month which commences immediately after the expiry of a pay interval period beginning on 6th April, unless paragraph (4) applies.
- (4) Where paragraph (2)(c) applies and a pay reference period includes the last day of a tax year—
- (a) the next pay reference period commences on 6th April; and
 - (b) if the qualifying earnings which, but for this sub-paragraph, would fall in that pay reference period, are paid or payable on or after 6th April, the pay reference period ends on 5th April.
- (5) Where paragraph (2)(a) applies, the first pay reference period in respect of a person commences—
- (a) on the relevant day; or
 - (b) where there has been a period beginning after the relevant day, during which the requirements of section 1(1)(a) or (c) of the Act were not met but the person remained an active member of a qualifying scheme, on the day following the last day of that period.
- (6) Where paragraph (2)(b) applies, the first pay reference period in respect of a person commences on the first day determined in accordance with that paragraph which falls on or after the relevant day.

(7) Where paragraph (2)(c) applies, the first pay reference period in respect of a person commences on the first day determined in accordance with paragraph (3) which falls on or after the relevant day.

(8) Subject to paragraph (2)(c), a pay reference period in relation to any person ends on the day before the day on which the next pay reference period begins.

(9) Where a person ceases to be a jobholder of the employer or ceases to be an active member of a qualifying scheme the last pay reference period—

- (a) ends on the day on which the person’s status so changes, where paragraph (2)(a) applies; or
- (b) is the pay reference period which includes the day on which the person’s status so changes, where paragraph (2)(b) or (c) applies.

(10) A pay reference period under paragraph (2)(a) may be less than a year if it either commences or ends within the period of a year ending on the day before an anniversary of the employer’s staging date.

(11) In this regulation—

“relevant day” means the first day on or after the staging date on which the person is both a jobholder and an active member of a qualifying scheme; and

“pay interval period”, “tax week” and “tax month” have the same meaning as in regulation 4.]

F10 Reg. 5 substituted (1.11.2013) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(1), **5(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, PART 1.