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STATUTORY INSTRUMENTS

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**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 (2), (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 of one month 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 of one month beginning with the third anniversary of the date chosen for the previous automatic re-enrolment date.

(2) In a case under section 6(3) (timing of automatic re-enrolment) of the Act, the automatic re-enrolment date for the purposes of section 5 of the Act is the day after the day on which—

- (a) the jobholder ceases to be an active member of the scheme; or
- (b) the scheme ceases to be a scheme of the relevant kind in accordance with section 4 (postponement of automatic enrolment) of the Act.

(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—

- (a) the jobholder ceases to be an active member of the scheme; or
- (b) the scheme ceases to be a qualifying 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).

**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 one month 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.

#### **Jobholders excluded from automatic re-enrolment**

**14.** For the purposes of section 5(4) of the Act the prescribed period is the period of 12 months before the automatic re-enrolment date.

#### **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.