STATUTORY INSTRUMENTS

2010 No. 772

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

PART 4

Jobholders opting in to pension saving

Information on the right to opt in to pension saving

[F1]**17.** . . . . . .

Textual Amendments

F1 Reg. 17 revoked (1.4.2015) by The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2015 (S.I. 2015/501), regs. 1, **6**

Opt in notices and arrangements to achieve active membership

18.—(1) Where the jobholder wishes to opt in, the jobholder must give an opt in notice to the employer.

(2) An opt in notice must be—

(a) in writing; and

(b) signed by the jobholder or, where the notice is in an electronic format, it must include a statement confirming that the jobholder personally submitted the notice.

(3) Where the employer is given an opt in notice, except where a jobholder becomes an active member of an automatic enrolment scheme under paragraph (4), the arrangements in regulations 6, 7 and 8 are the arrangements in relation to the jobholder who gave that employer an opt in notice, but with the following modifications—

(a) in regulation 6 for all references to “section 3” substitute “ ;section 7 ”;

(b) in regulations 6, 7 and 8 for all references to “section 3(2)” substitute “ ;section 7(3) ”; and

(c) in regulations 6, 7 and 8 for all references to “the automatic enrolment date” substitute “ ;the enrolment date ”.

(4) Where the jobholder is a member of a personal pension scheme before the enrolment date, the employer may meet the obligation in section 7(3) of the Act by—

(a) before the end of a period of **[**[F2]six weeks**]** beginning with the enrolment date, entering into arrangements with the provider of the scheme of which the jobholder is a member so that—

(i) the scheme becomes an automatic enrolment scheme; and

(ii) the jobholder becomes an active member of that scheme; and

(b) satisfying the requirements contained in regulation 7, as if for all references in regulation 7 to "section 3(2)" there was substituted " ;section 7(3) " and for all references to "the automatic enrolment date" there was substituted " ;the enrolment date ".

(5) Where a jobholder gives an opt in notice to the employer, but in writing withdraws that notice before the enrolment date, the employer is not required to make the arrangements prescribed by this regulation.

(6) For the purposes of this regulation, the enrolment date is—

(a) the first day of the jobholder's applicable pay reference period which begins after the date on which the employer is given the opt in notice; or

(b) where the opt in notice is given after the employer's payroll arrangements have closed for the purposes of the jobholder's applicable pay reference period referred to in sub-paragraph (a), the first day of the jobholder's second applicable pay reference period which begins after the date on which the employer is given the opt in notice.

Textual Amendments

F2 Words in reg. 18(4)(a) substituted (1.4.2014) by The Automatic Enrolment (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2556), regs. 1(2), **5(4)**

Opting out

19. 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 given an employer an opt in notice, but with the modification that in paragraph (1) of regulation 9 for "section 3(2)" substitute " ;section 7(3) ".

Refunds

20. The arrangements in regulation 11 are the arrangements for the purposes of section 8 of the Act in relation to a jobholder who has given an employer an opt in notice.

Changes to legislation:
There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, PART 4.