
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

17.—(1) Subject to paragraph (3), at any time before the end of a period of one month beginning with the date on which section 7 (jobholder’s right to opt in) of the Act first applies to a jobholder, the employer must give the jobholder the information specified in paragraph (2).

(2) The information, which must be given in writing, is—

- (a) a statement that the jobholder may, by notice, require the employer to make arrangements for the jobholder to become an active member of an automatic enrolment scheme;
- (b) a statement that the opt in notice must be in writing and be signed by the jobholder or, where the notice is in an electronic format, include a statement confirming that the jobholder personally submitted the notice;
- (c) a statement that the opt in notice must be given to the employer;
- (d) the value of any contributions payable to the scheme by the employer and the jobholder in any applicable pay reference period; and
- (e) a statement giving details of where to obtain further information about pensions and saving for retirement.

(3) This regulation does not apply in relation to jobholders—

- (a) who have given notice under section 8 (jobholder’s right to opt out) of the Act; or
- (b) in relation to whom section 30 (transitional period for defined benefits and hybrid schemes) of the Act applies.

(4) For the purposes of this regulation, “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.

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 one month 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 subparagraph (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.

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.