
STATUTORY INSTRUMENTS

2010 No. 772

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

PART 6

Postponement of automatic enrolment

Cases in which automatic enrolment may be postponed

- 26.**—(1) Each of cases 1 to 4 is a prescribed case for the purposes of regulation 25.
- (2) Each case applies where a person whose automatic enrolment date in respect of previous employment with that employer—
- (a) occurred within a period of 12 months before the postponement date; and
 - (b) was not postponed under regulation 25(1).
- (3) Case 1 is where an automatic enrolment scheme which is a money purchase scheme is in existence on the person's postponement date and—
- (a) the employer's contribution payable in accordance with section 20(1)(b) (quality requirement: UK money purchase schemes) of the Act, however calculated, is equal to or more than 6% of the amount of the person's qualifying earnings in any applicable pay reference period; and
 - (b) the total amount of contributions payable by the person and the employer in accordance with section 20(1)(c) of the Act, however calculated, is equal to or more than 11% of the amount of the person's qualifying earnings in any applicable pay reference period.
- (4) Case 2 is where an automatic enrolment scheme which is a personal pension scheme is in existence on the person's postponement date and—
- (a) the employer's contribution payable in accordance with section 26(4)(b) (quality requirement: UK personal pension schemes) of the Act, however calculated, equal to or more than 6% of the amount of the person's qualifying earnings in any applicable pay reference period; and
 - (b) the total amount of contributions payable by the person and the employer in accordance with section 26(5)(b) of the Act, however calculated, is equal to or more than 11% of the amount of the person's qualifying earnings in any applicable pay reference period.
- (5) Case 3 is where an automatic enrolment scheme which is a defined benefits scheme is in existence on the person's postponement date and the scheme satisfies the requirements contained in section 21(1) or (2) (quality requirement: UK defined benefits schemes) of the Act.
- (6) Case 4 is where an automatic enrolment scheme which is a hybrid scheme is in existence on the person's postponement date and the scheme—
- (a) falls within a description of hybrid schemes specified in any rule made under section 24(2) to (4) of the Act; and

- (b) satisfies such of the requirements referred to in section 24(1)(a) or (b) of the Act as the rule in question specifies as being appropriate to schemes of that description subject to—
 - (i) any prescribed modification of those requirements which is referred to in that rule; and
 - (ii) paragraph (7).
- (7) When applying, in accordance with any such rule as is referred to in paragraph (6), the requirements for a money purchase scheme under section 20 of the Act—
 - (a) the employer’s contribution payable in accordance with section 20(1)(b) of the Act, however calculated, must be equal to or more than 6% of the amount of the jobholder’s qualifying earnings in any applicable pay reference period; and
 - (b) the total amount of contributions payable by the jobholder and the employer in accordance with section 20(1)(c) of the Act, however calculated, must be at least 11% of the amount of the jobholder’s qualifying earnings in any applicable pay reference period.
- (8) For the purposes of this regulation “postponement date” has the meaning given in regulation 25(1).
- (9) In relation to Cases 1, 3 and 4, any reference to a particular provision of the Act is a reference to that provision as it applies to—
 - (a) an occupational pension scheme within section 18(a) (occupational pension schemes with main administration in the UK) of the Act, or
 - (b) an occupational pension scheme within section 18(b) (occupational pension schemes with main administration in an EEA State other than the UK) of the Act⁽¹⁾.
- (10) In relation to Case 2, any reference to section 26 of the Act is a reference to that provision as it applies to—
 - (a) a personal pension scheme within section 26(1) (quality requirement: UK personal pension schemes) of the Act, or
 - (b) a personal pension scheme within regulation 35(1)(a)(ii) (automatic enrolment schemes which are personal pension schemes regulated by a competent authority of an EEA State other than the UK)⁽²⁾.

(1) Sub-paragraphs (b) and (c) of section 20(1) are applied to occupational pension schemes within section 18(b) of the Act which are: money purchase schemes by regulation 45(1)(a); defined benefit schemes by regulation 45(3)(a) and hybrid schemes by regulation 45(5) to (7)(a).

(2) Paragraphs (4)(b) and (5)(b) of section 26 are applied to personal pension schemes within regulation 35(1)(a)(ii) by regulation 46(a).