
STATUTORY INSTRUMENTS

2010 No. 772

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

PART 14

Due dates

Amendment of the Personal Pension Schemes (Payments by Employers) Regulations 2000

49. For regulation 5 of the Personal Pension Schemes (Payments by Employers) Regulations 2000 ^{M1}, substitute—

“Prescribed period for the purpose of calculating the due date for the payment of any contribution on behalf of an employee

5.—(1) Save as provided in paragraph (2), the prescribed period for the purposes of section 111A(15)(b) of the 1993 Act (meaning of “due date” where a contribution payable under the direct payment arrangements falls to be paid on behalf of the employee) [^{F1}is the period of—

- (a) where the contribution payable under the direct payment arrangements is paid to the trustees or managers of the scheme by means of an electronic communication, 22 days; or
- (b) in any other case, 19 days,

commencing on the day following the last day of the month in which the deduction was made from the employee’s earnings.]

(2) Where [^{F2}an employee] becomes an active member of a personal pension scheme in accordance with arrangements provided for in regulation 6, 13, 18, 28 or 29 of the 2010 Regulations, in relation to any contributions deducted between the relevant date and the end of the opt out period, the prescribed period for the purposes of section 111A(15)(b) of the 1993 Act is the period commencing on the relevant date and ending on the last day of the second month after the month which includes the relevant date.

(3) For the purposes of this regulation—

“the 2008 Act” means the Pensions Act 2008;

“the 2010 Regulations” means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010;

“automatic enrolment date” has the meaning given by section 3(7) of the 2008 Act (automatic enrolment);

“automatic re-enrolment date” means the date determined in accordance with regulation 12 of the 2010 Regulations;

[^{F3}“electronic communication” has the meaning given in section 15 of the Electronic Communications Act 2000;]

“enrolment date” has the meaning given by regulation 18(6) of the 2010 Regulations;

“jobholder” has the meaning given by section 1(1) of the 2008 Act (jobholders);

“opt out period” means the period prescribed by regulation 9 of the 2010 Regulations within which a jobholder who has become an active member of an occupational pension scheme in accordance with arrangements under section 3(2)[^{F3}, 5(2) or 7(3)] of the 2008 Act, may give notice under section 8 (jobholder's right to opt out) of that Act;

“relevant date” means the automatic enrolment date, the automatic re-enrolment date or the enrolment date, as the case may be, or for a jobholder to whom regulation 28 or 29 of the 2010 Regulations applies, the day or date mentioned in regulation 6 of those Regulations as modified respectively by regulation 28 or 29, as the case may be.”.

F1 Words in reg. 49 substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **41(a)**

F2 Words in reg. 49 substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **41(b)**

F3 Words in reg. 49 inserted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **41(c)**

Marginal Citations

M1 [S.I. 2000/2692](#).

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, Section 49.