

---

STATUTORY INSTRUMENTS

---

**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 <sup>F1</sup>... (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 [<sup>F2</sup>beginning 3 months before, and ending at the end of the period of 3 months 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 [<sup>F2</sup>beginning 3 months before, and ending at the end of the period of 3 months beginning with,] the third anniversary of the date chosen for the previous automatic re-enrolment date.

<sup>F3</sup>(2) .....

(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 [<sup>F4</sup>the jobholder ceases to be an active member of the 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).

**Textual Amendments**

- F1** Words in reg. 12(1) omitted (1.7.2012) by virtue of [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **21(a)**
- F2** Words in reg. 12(1)(a)(b) substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **21(b)**
- F3** Reg. 12(2) omitted (1.7.2012) by virtue of [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **21(c)**
- F4** Words in reg. 12(3) substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/215\)](#), regs. 1(2)(c), **21(d)**

**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 [<sup>F5</sup>six weeks] 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.

**Textual Amendments**

**F5** Words in reg. 13(2)(a) substituted (1.4.2014) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(2), **5(4)**

**Jobholders excluded from automatic re-enrolment**

<sup>F6</sup>**14.** . . . . .

**Textual Amendments**

**F6** Reg. 14 revoked (1.4.2015) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations 2015 \(S.I. 2015/501\)](#), regs. 1, **6**

**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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, PART 3.