
STATUTORY INSTRUMENTS

2010 No. 772

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

PART 3

Automatic re-enrolment

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 one month 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.