
STATUTORY INSTRUMENTS

2010 No. 772

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

PART 1

Citation, commencement and interpretation

Pay reference periods for the purposes of section 1(1)(c) of the Act

4.—(1) The pay reference period for the purposes of section 1(1)(c) of the Act (jobholders), except in the case of person A, is—

- (a) in the case of a person who is paid their regular wage or salary by reference to a period of a week, the period of one week;
- (b) in the case of a person who is paid their regular wage or salary by reference to a period longer than a week, that period.

(2) Subject to paragraphs (3) and (4), in the case of person A the pay reference period for the purposes of section 1(1)(c) of the Act is a period of 12 months beginning on—

- (a) the staging date; and
- (b) every anniversary of that date.

(3) Where person A is employed by the employer after the staging date, person A's first pay reference period begins on the date person A is employed by the employer and ends on the same day as that relevant where paragraph (2)(a) or (b) applies.

(4) Where, on any day during the period mentioned in paragraph (2) or (3), the earnings of person A exceed the amount mentioned in section 13(1)(a) of the Act—

- (a) person A's first pay reference period for the purposes of section 1(1)(c) of the Act begins on the day on which the period mentioned in paragraph (2) or (3) began and ends on the day before the day on which the earnings of person A exceeded the amount mentioned in section 13(1)(a) of the Act; and
- (b) thereafter the pay reference period applicable in relation to person A for the purposes of section 1(1)(c) of the Act is the period mentioned in paragraph (1)(a) or (b).

(5) A person's earnings shall be determined by calculating or, in the case of person A estimating, the sum of any earnings payable to that person in the pay reference period prescribed in paragraph (1), (2) or (3).

(6) For the purposes of paragraph (2) or (3), person A's earnings shall be determined by adding to the regular wage or salary payable to that person under the contract of employment over the period mentioned in paragraph (2) or (3), any other earnings payable to that person paid by the employer at any time during the same period.

(7) For the purposes of this regulation—

“earnings” means any items of a description mentioned in section 13(3) of the Act that are payable to a person in connection with that person's employment;

“person A” is a person—

- (a) who is employed under a contract of employment;
- (b) who pursuant to that contract receives a regular wage or salary of less than the amount mentioned in section 13(1)(a) of the Act (qualifying earnings) during the period mentioned to in paragraph (2) or (3); and
- (c) whose earnings during the period mentioned in paragraph (2) or (3) will not, in the estimation of the employer, exceed the amount mentioned in section 13(1)(a) of the Act.