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STATUTORY INSTRUMENTS

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**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 20(1)(b) and (c) and section 26(4)(b) and (5)(b) of the Act**

[<sup>F1</sup>5.—(1) The pay reference periods for the purposes of section 20(1)(b) and (c) (quality requirement: UK money purchase schemes) and section 26(4)(b) and (5)(b) (quality requirement: UK personal pension schemes) of the Act are as follows.

- (2) A pay reference period may be either—
- (a) subject to paragraph (10), a period of a year, ending on the day before an anniversary of the employer's staging date;
  - (b) a period which is equal in length to the period by reference to which the jobholder is paid their regular wage or salary, commencing on the first day of that period; or
  - (c) subject to paragraph (4)(b), a period which is equal in length to the usual interval between payments of the jobholder's regular wage or salary, commencing on the date determined in accordance with paragraph (3).
- (3) Where paragraph (2)(c) applies, pay reference periods in respect of a person commence—
- (a) where the person is paid monthly, on the first day of a tax month;
  - (b) where the person is paid weekly, on the first day of a tax week;
  - (c) where the person is paid at intervals of multiple weeks, on—
    - (i) 6th April; and
    - (ii) the first day of the tax week which commences immediately after the expiry of a pay interval period beginning on 6th April, unless paragraph (4) applies; and
  - (d) where the person is paid at intervals of multiple months, on—
    - (i) 6th April; and
    - (ii) the first day of the tax month which commences immediately after the expiry of a pay interval period beginning on 6th April, unless paragraph (4) applies.
- (4) Where paragraph (2)(c) applies and a pay reference period includes the last day of a tax year—
- (a) the next pay reference period commences on 6th April; and
  - (b) if the qualifying earnings which, but for this sub-paragraph, would fall in that pay reference period, are paid or payable on or after 6th April, the pay reference period ends on 5th April.
- (5) Where paragraph (2)(a) applies, the first pay reference period in respect of a person commences—

- (a) on the relevant day; or
  - (b) where there has been a period beginning after the relevant day, during which the requirements of section 1(1)(a) or (c) of the Act were not met but the person remained an active member of a qualifying scheme, on the day following the last day of that period.
- (6) Where paragraph (2)(b) applies, the first pay reference period in respect of a person commences on the first day determined in accordance with that paragraph which falls on or after the relevant day.
- (7) Where paragraph (2)(c) applies, the first pay reference period in respect of a person commences on the first day determined in accordance with paragraph (3) which falls on or after the relevant day.
- (8) Subject to paragraph (2)(c), a pay reference period in relation to any person ends on the day before the day on which the next pay reference period begins.
- (9) Where a person ceases to be a jobholder of the employer or ceases to be an active member of a qualifying scheme the last pay reference period—
- (a) ends on the day on which the person’s status so changes, where paragraph (2)(a) applies; or
  - (b) is the pay reference period which includes the day on which the person’s status so changes, where paragraph (2)(b) or (c) applies.
- (10) A pay reference period under paragraph (2)(a) may be less than a year if it either commences or ends within the period of a year ending on the day before an anniversary of the employer’s staging date.
- (11) In this regulation—
- “relevant day” means the first day on or after the staging date on which the person is both a jobholder and an active member of a qualifying scheme; and
  - “pay interval period”, “tax week” and “tax month” have the same meaning as in regulation 4.]

**Textual Amendments**

**F1** Reg. 5 substituted (1.11.2013) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/2556\)](#), regs. 1(1), **5(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010, Section 5.