
STATUTORY INSTRUMENTS

2012 No. 215

The Automatic Enrolment (Miscellaneous
Amendments) Regulations 2012

PART 3

Amendment of the Employers' Duties
(Registration and Compliance) Regulations 2010

Amendment of regulation 14

16.—(1) Regulation 14 (penalty notices: prohibited recruitment conduct) is amended as follows.

(2) In paragraph (3) after “(4)” insert “, (4A)”.

(3) For paragraph (4) substitute—

“(4) It is the relevant number except that—

- (a) where paragraph (4A) applies the number of persons is the number of persons in the employer's PAYE scheme or schemes that are employed by the employer;
- (b) where paragraph (4A) does not apply and, in the Regulator's opinion the relevant number is not known, paragraph (6) applies.

(4A) This paragraph applies where—

- (a) the Regulator is of the opinion that an employer's PAYE scheme includes (or where the Regulator is of the opinion that the employer has more than one PAYE scheme, the schemes include) persons who are not employed by the employer; and
- (b) the number of persons in the employer's PAYE scheme (or where the Regulator is of the opinion that the employer has more than one PAYE scheme, the schemes) who are employed by the employer is known to the Regulator.”.

(4) In paragraph (5)(b) at the beginning insert “including information”.

(5) After paragraph (6) insert—

“(7) In this regulation, “relevant number” means the number of persons within an employer's PAYE scheme or, where the Regulator is of the opinion that the employer has more than one PAYE scheme, the total number of persons within those schemes.”.