

## **2012 No. 215**

### **PENSIONS**

#### **The Automatic Enrolment (Miscellaneous Amendments) Regulations 2012**

<i>Made</i> - - - -	<i>31st January 2012</i>
<i>Laid before Parliament</i>	<i>1st February 2012</i>
<i>Coming into force</i> -	<i>1st June 2012</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 111A(15)(b), 181, 182(2) and (3) of the Pension Schemes Act 1993(a), sections 49(8), 124(1) and 174(2) and (3) of the Pensions Act 1995(b) and sections 2(3), 3(2), (5) and (6), 4(1) to (3) and (5), 5(4), (6) and (8), 6(1)(b) and (2), 7(5), 10, 11, 12, 15(1) and (2), 16(2), 22(4), 23(1)(b) and (c), (3) and (6), 24(1)(a) and (b), 29(2) and (4), 30(5), (7A) and (8), 37(3), 38(2), (3) and (4), 40(4), 41(4) and (5), 43(3), 52(3), 54(3), 60, 99 and 144(2) and (4) of the Pensions Act 2008(c):

In accordance with section 185(1) of the Pension Schemes Act 1993 and section 120(1) of the Pensions Act 1995, the Secretary of State has consulted with such persons as the Secretary of State considers appropriate.

### **PART 1**

#### **Introduction**

##### **Citation and commencement**

**1.—(1)** These Regulations may be cited as the Automatic Enrolment (Miscellaneous Amendments) Regulations 2012.

(2) These Regulations come into force as follows—

- (a) this regulation and regulations 2, 3(b) 4, 5, 6, and 7 at the beginning of 1st June 2012;
- (b) regulation 3(a) on 1st June 2012 immediately after the time mentioned in sub-paragraph (a);
- (c) regulations 8, 9(b) and 10 to 43 at the beginning of 1st July 2012; and
- (d) regulation 9(a) on 1st July immediately after the time mentioned in sub-paragraph (c).

---

(a) 1993 c. 48; Section 111A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30) section 9 and subsection (18) was inserted by the Pensions Act 2008 (c. 30) section 49. Section 181 is cited for the meaning given to “prescribed” and “regulations”.

(b) 1995 c. 26; Section 49(8) was substituted by the Welfare Reform and Pensions Act 1999 (c. 30) section 10. Section 124(1) is cited for the meaning it gives to “prescribed” and “regulations”.

(c) 2008 c. 30. Sections 2(3) and 5(4) were substituted by the Pensions Act 2011 (c. 19), section 4. Section 4 was substituted that Act, section 6. Section 6(1)(b) was amended by that Act, section 7. Section 23 was substituted by that Act, section 11. In section 30 subsections (3) and (5) were amended and subsection (7A) was inserted by that Act, sections 14 and 15. Section 60 was amended by that Act, section 36(2).

**SI 2012/215**

**Regs. 2-43**

**AUTOMATIC ENROLMENT (MISCELLANEOUS AMENDMENTS)  
REGULATIONS 2012**

[Regulation 2 - 7 makes various amends to S.I. 2010/4.]

[Regulation 8 - 16 makes various amends to S.I. 2010/5.]

[Regulation 17 - 39 makes various amends to S.I. 2010/772.]

[Regulation 40 amends regulation 16 of S.I. 1996/1715.]

[Regulation 42 - 43 makes various amends to S.I. 2010/772.]

Signed by authority of the Secretary of State for Work and Pensions.

31st January 2012

*Steve Webb*  
Minister of State,  
Department for Work and Pensions

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Employers' Duties (Implementation) Regulations 2010 (S.I. 2010/4), the Employers' Duties (Registration and Compliance) Regulations 2010 (S.I. 2010/5) and the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 (S.I. 2010/772).

Part 2 amends the Employers' Duties (Implementation) Regulations 2010. Regulation 3 changes the date when the regulations come into force and amends a definition. Regulation 4 clarifies the meaning of "employer" for the purposes of regulation 2(2). Regulation 5 amends the provisions relating to early automatic enrolment. Regulation 6 extends the transitional period for the purposes of section 29 of the Pensions Act 2008 (c. 30) ("the Act"). Regulation 7 extends the transitional period for the purposes of section 30(3) of the Act.

Part 3 amends the Employers' Duties (Registration and Compliance) Regulations 2010. Regulation 9 changes the date the regulations come into force and amends two definitions. Regulation 10 clarifies the meaning of regulation 2(2). Regulation 11 amends the information requirements imposed on employers. Regulation 12 amends the time limit for registration during re-enrolment and makes technical amendments. Regulation 13 adds to the record-keeping duties of employers. Regulations 15 and 16 make changes in relation to penalties and penalty notices.

Part 4 amends the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010. Regulations 18, 23, 24, 28, 30 and 43 make amendments to the requirements imposed on employers with regard to the provision of information. Regulation 19 makes changes to the meaning of "pay reference period" for the purposes of sections 1(1)(c), 3(1)(1)c) and 5(1)(c) of the Act. Regulation 20 substitutes a new regulation 5 with respect to the pay reference period for the purposes of sections 20 and 26 of the Act.

Regulation 21 widens the period within which an employer's cyclical re-enrolment date must fall. Regulation 22 substitutes regulation 14, to exclude certain jobholders from automatic re-enrolment.

Regulations 25, 26 and 27 amend Part 6, consequential on the substitution of section 4 of the Act by section 6 of the Pensions Act 2011 ("the 2011 Act") and make provision with regard to the information an employer must provide to workers where the employer defers automatic enrolment. Regulations 28 and 29 make provision with regard to the notices that must be served with respect to deferral of automatic enrolment under section 30 of the Act.

Regulations 32 and 35 make changes consequential on the amendment to section 23 of the Act by section 11 of the 2011 Act, with regard to the requirements to be satisfied by a test scheme. Regulation 33 amends regulation 38 consequential to changes to state pension age. Regulation 34 omits references to regulations 41 and 42 which are revoked by regulation 36.

Regulation 37 makes amendments to the modified quality requirements to be met by hybrid schemes. Regulation 38 makes amendments in relation to non-UK pension schemes to which section 25 or 27 of the Act applies. Regulation 39 inserts a new provision for the purposes of the definition of "provider". Regulations 40 and 41 make amendments relating to the time within which contributions may be paid by electronic communication. Regulation 42 amends regulation 50 with regard to the due date for the payment of contributions for the purposes of section 37(3) of the Act. Regulation 43 re-numbers the Schedule and inserts Schedule 2.

**AUTOMATIC ENROLMENT (MISCELLANEOUS AMENDMENTS)  
REGULATIONS 2012**

An assessment of the impact of this legislation on the private sector and civil society organisations has been made. A copy of this impact assessment is available in the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA, or from the DWP website: <http://www.dwp.gov.uk/resourcecentre/ria.asp>.