

2012 No. 1257

PENSIONS

The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2012

Made - - - - - 8th May 2012
Coming into force - 1st July 2012

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 111A(15)(b), 181 and 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), 5(2), (4) and (6) to (8), 6(1)(b) and (2), 7(4), (5) and (6), 8(2)(b) and (3) to (6), 9(3), 10, 15(1) and (2), 16(2) and (3)(c), 17(1)(c), 18(c), 22(4) to (7), 23(1)(b) and (c), (3) and (6), 24(1)(a) and (b), 25, 27, 28(1), (2)(b), (3A) and (4) to (7), 30(5), (6)(c) and (7A), 33(2), 37(3), 60, 96(2), 98, 99 and 144(2) and (4) of the Pensions Act 2008(c):

A draft of these Regulations was laid before Parliament in accordance with section 143(4) and (5)(a) of the Pensions Act 2008 and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2012.

(2) These Regulations shall come into force—

- (a) except for the purposes of regulation 3(b), on 1st July 2012, immediately after the amendments made by the Automatic Enrolment (Miscellaneous Amendments) Regulations 2012(d) to the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(e) come into force; and
- (b) for the purposes of regulation 3(b), on 1st July 2012, immediately after the other provisions of these Regulations come into force as referred to in subparagraph (a).

[Regulations 2 - 8 make various amends to S.I. 2010/772.]

(a) 1993 c. 48; section 111A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30) and amended 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 6(1)(b) was amended by that Act, section 7. Section 23 was substituted by that Act, section 11. Section 28 was amended by that Act, sections 12 and 13. Section 30(5) was amended by that Act, section 15. Section 30(7A) was inserted by that Act, section 14. Section 60 was amended by that Act, section 36(2). Section 99 is cited for the meaning given to “prescribed” and “regulations”.

(d) S.I. 2012/215.

(e) S.I. 2010/772.

SI 2012/1257

OCCUPATIONAL AND PERSONAL PENSION SCHEMES (**AUTOMATIC
ENROLMENT**) (AMENDMENT) REGULATIONS 2012

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

8th May 2012

Steve Webb
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 (“the principal Regulations”).

Regulation 3 amends regulation 1 of the principal Regulations to provide that the Regulations come into force on 1st July 2012 instead of 1st October 2012. It also amends regulation 1 to provide that, save for certain cases, new regulation 52 (persons working on vessels) is to cease to have effect eight years after it comes into force (1st July 2020).

Regulation 4 inserts Part 7A into the principal Regulations. Part 7A makes detailed provision with regard to certification under section 28 of the Pensions Act 2008 (“the Act”).

New regulations 32B to 32D of the principal Regulations make provision in relation to the giving of a certificate under section 28, the period it is in force, the keeping of records and the provision of information.

New regulations 32E to 32G and 32I of the principal Regulations prescribe alternative quality requirements in relation to which a certificate may be given.

New regulation 32H of the principal Regulations sets out circumstances in which, where a certificate has been given, a scheme is not to be treated as having satisfied the relevant quality requirement in the Act.

New regulation 32J sets out provisions in relation to the giving of a certificate with respect to schemes that have their main administration in an EEA State other than the United Kingdom.

Regulation 5 amends regulation 35 of the principal Regulations to include conditions for a scheme to count as an automatic enrolment scheme, for defined benefits schemes that provide for a sum of money to be made available for the provision of a pension.

Regulation 6 amends regulation 36 of the principal Regulations (circumstances in which a scheme is not a qualifying scheme) to provide that the minimum rate for revaluation of benefits in a scheme which provides for average salary benefits must be an annual increase by the general level of prices or 2.5% whichever is the lesser (with a variation for such schemes that have members on 1st July 2012).

Regulation 7 inserts a new Part 15 into the Regulations, comprising new regulations 51 and 52. New regulation 51 applies the employer duties in Part 1 of the Act to police members of the Scottish Drug Enforcement Agency and members of staff of the Scottish Police Services Authority. Regulation 52 applies the employer duties in Part 1 of the Act, and the corresponding provisions in force in Northern Ireland, to persons employed or engaged in any capacity on board a ship.

Regulation 8 inserts a new regulation 53 into the principal Regulations. Regulation 53 requires the Secretary of State to review the operation and effect of regulation 52 and publish a report within a period of six years beginning with 1st July 2012. Following the review it will fall to the Secretary of State to consider whether the regulation should be allowed to expire as regulation 1 of the principal Regulations provides, be revoked early, or continue in force with or without amendment. A further instrument would be needed to continue the regulations in force with or without amendments or to revoke it early.

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. 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>

