
STATUTORY INSTRUMENTS

2012 No. 1682 (C. 65)

PENSIONS

The Pensions Act 2008 (Commencement No. 13) Order 2012

Made - - - - *28th June 2012*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 144(4) and 149(1) of the Pensions Act 2008⁽¹⁾.

Citation

- 1.—(1) This Order may be cited as the Pensions Act 2008 (Commencement No. 13) Order 2012.
- (2) In this Order, “the Act” means the Pensions Act 2008.

Commencement of provisions

- 2.—(1) The provisions of the Act specified in paragraph (2) come into force on 30th June 2012.
- (2) The provisions are—
 - (a) those listed in Schedule 1 to this Order, in so far as they are not already in force, and
 - (b) those listed in Schedule 2 to this Order.

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

28th June 2012

Steve Webb
Minister of State
Department for Work and Pensions

Status: This is the original version (as it was originally made).

SCHEDULE 1

Article 2(2)(a)

Provisions of the Act (in so far as they are not already
in force) coming into force on 30th June 2012

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 2(2)	Continuity of scheme membership
Section 3(3)	Automatic enrolment
Section 5(4)	Automatic re-enrolment
Section 6(5)	Timing of automatic re-enrolment
Section 7(6)	Jobholder's right to opt in
Section 8	Jobholder's right to opt out
Section 9	Workers without qualifying earnings
Section 10	Information to be given to workers
Section 13	Qualifying earnings
Section 15	Pay reference period
Section 16(7)	Qualifying schemes
Section 17	Automatic enrolment schemes
Section 18	Occupational pension schemes
Section 20(8)	Quality requirement: UK money purchase schemes
Section 21	Quality requirement: UK defined benefits schemes
Section 22(9)	Test scheme standard
Section 24	Quality requirement: UK hybrid schemes
Section 26	Quality requirement: UK personal pension schemes
Section 29	Transitional periods for money purchase and personal pension schemes
Section 30(10)	Transitional period for defined benefits and hybrid schemes
Section 32(11)	Power of trustees or managers to modify by resolution

- (2) Section 2 was amended by section 4(1) of the Pensions Act 2011 (c. 19).
- (3) Section 3 was amended by sections 5(1) and (2) and 6(1) of the Pensions Act 2011.
- (4) Section 5 was amended by sections 4(2) to (4), 5(3) and (4) and 6(3) of the Pensions Act 2011.
- (5) Section 6 was amended by sections 4(5), 6(4) and 7 of the Pensions Act 2011.
- (6) Section 7 was amended by section 6(5) of the Pensions Act 2011.
- (7) Section 16 was amended by section 10 of the Pensions Act 2011.
- (8) Section 20(2) was omitted by S.I. 2011/1724.
- (9) Section 22 was amended by section 11(1) of the Pensions Act 2011.
- (10) Section 30 was amended by sections 6(6), 14 and 15 of the Pensions Act 2011.
- (11) Section 32 was amended by sections 12(8) and 16 of the Pensions Act 2011.

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 33	Deduction of contributions
Section 37	Unpaid contributions notices
Section 38	Calculation and payment of contributions
Section 40 (12) (except paragraph (d) of subsection (1) which is commenced only for the purposes of the exercise of the Regulator's functions under or by virtue of Part 1 of the Act)	Fixed penalty notices
Section 41 (13) (except paragraph (d) of subsection (1) which is commenced only for the purposes of the exercise of the Regulator's functions under or by virtue of Part 1 of the Act)	Escalating penalty notices
Section 43	Review of notices
Section 49	Monitoring of employers' payments to personal pension schemes
Section 52	Penalty notices
Section 54 (14)	Inducements
Section 58	Restrictions on agreements to limit operation of this Part
Section 96	Persons working on vessels
Section 97	Persons in offshore employment

SCHEDULE 2

Article 2(2)(b)

Provisions of the Act coming into force on 30th June 2012

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 1	Jobholders
Section 19	Personal pension schemes
Section 31	Effect of freezing order or assessment period
Section 34	Effect of failure to comply
Section 35	Compliance notices
Section 36	Third party compliance notices
Section 39	Meaning of "relevant contributions"
Section 42	Penalty notices: recovery

(12) Section 40 was amended by [S.I. 2010/22](#).(13) Section 41 was amended by [S.I. 2010/22](#).

(14) Section 54 was amended by section 4(6) of the Pensions Act 2011.

Status: This is the original version (as it was originally made).

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 44 (15)	References to First-tier Tribunal or Upper Tier Tribunal
Section 45	Offences of failing to comply
Section 46	Offences by bodies corporate
Section 47	Offences by partnerships and unincorporated associations
Section 48	Offences of providing false or misleading information
Section 50	Prohibited recruitment conduct
Section 51	Compliance notices
Section 53 (16)	Review of notices and references to First-tier Tribunal or Upper Tribunal
Section 55	The right not to suffer detriment
Section 56	Enforcement of the right
Section 57 (17) (except subsection (3))	Right of employee not to be unfairly dismissed
Section 59	Employment Appeal Tribunal
Section 61	Powers to require information and to enter premises
Section 66	Functions of the Pensions Ombudsman
Section 88	“Employer”, “worker” and related expressions
Section 89	Agency workers
Section 90	Directors
Section 91	Crown employment
Section 92	Armed forces
Section 93	House of Lords staff
Section 94	House of Commons staff
Section 95 (18)	Police
Section 127	Review of the initial operation of sections 38A and 38B of the Pensions Act 2004

(15) Section 44 was amended by [S.I. 2010/22](#).

(16) Section 53 was amended by [S.I. 2010/22](#).

(17) Section 57 was corrected by a correction slip (ISBN 978-0-10-543008-7).

(18) Section 95 was amended by the Police Reform and Social Responsibility Act 2011 (c. 13).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Pensions Act 2008 (c. 30) (“the Act”) as amended by the Pensions Act 2011 (c. 19).

Article 2 of, and the Schedules to, the Order bring into force the provisions of the Act necessary to give effect to the introduction of the automatic enrolment duties set out in the Act. The provisions come into force, in so far as they are not already in force, on 30th June 2012.

The requirement in Chapter 1 of Part 1 of the Act (sections 1 – 33) to enrol certain workers (referred to in the legislation as “jobholders”) into a pension scheme which meets the minimum standards specified in the Act will apply to employers in stages, starting with the largest employers first, from 1st October 2012 onwards.

However, from 1st July 2012, the largest employers will be able to enrol their workers into a pension scheme early, in line with the duties set out in the Act, when the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 (S.I. 2010/772) come into force.

Chapter 2 of Part 1 of the Act (sections 34 – 49) sets out the regime for ensuring compliance with the automatic enrolment duties.

Chapter 3 of Part 1 of the Act (sections 50 – 59) sets out safeguards during the recruitment process and during employment to ensure that an employee’s rights to become and remain a member of a qualifying pension scheme are protected.

Section 61 sets out requirements in relation to record keeping and compliance.

Section 66 gives the Pensions Ombudsman the additional function of investigating complaints relating to a jobholder opting out of pension scheme membership.

Chapter 8 of Part 1 of the Act (sections 88 – 98) sets out how the automatic enrolment duties apply to particular classes of worker such as the police and persons working on vessels, and defines the terms “employer”, “worker” and related expressions for the purposes of the Act.

Section 127 requires the Secretary of State to review the operation of the material detriment test in sections 38A and 38B of the Pensions Act 2004 (c. 35) and to publish the results of that review within a specified time.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 14	6th March 2012	2012/683
Section 15A	7th March 2012	2012/683
Section 28	7th March 2012	2012/683
Section 49 (partially)	3rd January 2012	2011/3033

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 62 to 64	26th January 2009	2009/82
Section 65	16th March 2011	2011/664
Section 74	1st July 2009	2009/1566
Section 75 (for all remaining purposes)	5th July 2010	2010/10
Section 76	5th July 2010	2010/10
Section 99	5th July 2010	2010/10
Section 100	6th April 2009	2009/82
Section 101 (partially)	6th April 2009	2009/82
Section 101 (for all other purposes)	6th April 2009	2009/809
Section 103(1) and (3) (partially)	8th April 2010	2010/1221
Section 104 (partially)	3rd January 2012	2011/3033
Section 106	6th April 2012	2011/1266
Sections 107 to 119	6th April 2011	2011/664
Section 120 (partially)	6th March 2011	2011/664
Section 120 (for all other purposes)	6th April 2011	2011/664
Section 121 (partially)	6th March 2011	2011/664
Section 121 (for all other purposes)	6th April 2011	2011/664
Section 122 (partially)	1st April 2009	2009/809
Section 123	6th April 2011	2011/664
Section 124(2) and (6) (partially)	19th December 2008	2008/3241
Section 124(2) and (6) (for all remaining purposes)	31st March 2010	2010/1145
Section 126 (for all remaining purposes)	29th June 2009	2009/1566
Section 128	26th January 2009	2009/82
Section 129 (partially)	26th February 2010	2010/467
Section 130	6th April 2009	2009/82
Section 132	26th January 2009	2009/82
Section 138	26th January 2009	2009/82
Section 139	6th April 2009	2009/82
Section 148 (partially)	6th April 2009	2009/82
Section 148 (partially)	6th April 2011	2011/664
Section 148 (partially)	6th April 2012	2011/1266
Schedule 1 (for all remaining purposes)	5th July 2010	2010/10
Schedule 2 Parts 1 and 3	6th April 2009	2009/82
Schedule 2 Part 2	6th April 2009	2009/809

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 4 (partially)	3rd January 2012	2011/3033
Schedule 5 (partially)	6th April 2011	2011/664
Schedule 6 (partially)	6th March 2011	2011/664
Schedule 6 (for all other purposes)	6th April 2011	2011/664
Schedule 7 (partially)	6th March 2011	2011/664
Schedule 7 (for all other purposes)	6th April 2011	2011/664
Schedule 8 (partially)	1st April 2009	2009/809
Schedule 9 (for all remaining purposes)	29th June 2009	2009/1566
Schedule 10 (partially)	26th February 2010	2010/467
Schedule 11 Part 2	6th April 2009	2009/82
Schedule 11 Part 3	6th April 2012	2011/1266
Schedule 11 Part 4	6th April 2011	2011/664