

Status: Point in time view as at 30/06/2012.

Changes to legislation: Pensions (No. 2) Act (Northern Ireland) 2008, Section 2 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Employers' duties

Continuity of scheme membership

2.—(1) If a jobholder is an active member of a qualifying scheme, the employer must not take any action, or make any omission, by which (without the jobholder ceasing to be employed by the employer)—

- (a) the jobholder ceases to be an active member of the scheme, or
- (b) the scheme ceases to be a qualifying scheme.

(2) Subsection (1) is not contravened if the jobholder remains an active member of another qualifying scheme.

[^{F1}(3) Subsection (1) is not contravened if by virtue of section 5 the jobholder becomes an active member of an automatic enrolment scheme with effect from—

- (a) the day after the cessation referred to in paragraph (a) or (b) of subsection (1), or
- (b) a day within the prescribed period (if a period is prescribed).]

(4) Subsection (1) is not contravened if the action or omission is at the jobholder's request.

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(5) In this Part as it applies in the case of any jobholder, references to a qualifying scheme are references to a pension scheme which is a qualifying scheme in relation to that jobholder (see section 16).

Textual Amendments

- F1** S. 2(3) substituted (2.6.2012 for specified purposes, 30.6.2012 in so far as not already in operation) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), ss. 5\(1\), 34\(1\)\(3\)](#); S.R. 2012/265, art. 2(1)(a)

Modifications etc. (not altering text)

- C1** S. 2(1): power to exclude conferred by SI 2005/255 (N.I. 1), art. 268A (as inserted (2.6.2012 for specified purposes) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), ss. 19, 34\(1\)\(3\)](#))

Commencement Information

- I1** S. 2 partly in force; s. 2 in force for certain purposes at Royal Assent see s. 118(2)
- I2** S. 2 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266, art. 2, Sch. Pt. 1](#)

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