



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

### CHAPTER 7

#### STAKEHOLDER PENSION SCHEMES

#### **87 Stakeholder pension schemes**

- (1) The Welfare Reform and Pensions Act 1999 (c. 30) is amended as follows.
- (2) Section 3 (duty of employers to facilitate access to stakeholder pension schemes) is amended as follows.
- (3) In subsection (1), for “the requirements set out below” substitute “ the requirement in subsection (5) ”.
- (4) After subsection (1) insert—

“(1A) A relevant employee, in relation to an employer, is an employee of the employer who, on the relevant date, satisfies the conditions in subsection (1B).

(1B) The conditions are that—

- (a) the employee is a member of a stakeholder pension scheme;
- (b) the employee made a request under subsection (5) before the relevant date and that request has not been withdrawn;
- (c) the employee pays contributions (which are deducted in accordance with that request) to the scheme at regular intervals;
- (d) at least one deduction has been made before the relevant date in accordance with that request.

(1C) A person ceases to be a relevant employee—

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**Changes to legislation:** *Pensions Act 2008, Chapter 7 is up to date with all changes known to be in force on or before 27 February 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) View outstanding changes*

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- (a) on ceasing to be employed by the employer;
  - (b) on withdrawing a request under subsection (5);
  - (c) on ceasing to pay contributions at regular intervals.”
- (5) Omit subsections (2) to (4).
- (6) In subsection (5)—
  - (a) omit the word “fourth”;
  - (b) omit the words from “of his” to “qualifying scheme”;
  - (c) in paragraph (a), for “scheme” substitute “ stakeholder pension scheme ”.
- (7) After subsection (5) insert—
 

“(5A) That requirement only applies in relation to a request to make deductions made before the relevant date (whether or not that request is varied after that date).”
- (8) Omit subsection (6).
- (9) In subsection (7), for “any of the requirements” substitute “ the requirement ”.
- (10) In subsection (8)—
  - (a) for the words from “whether before” to “those purposes” substitute “ while subject to the requirement in subsection (5) ”;
  - (b) omit paragraph (a)(ii) and (iii).
- (11) In subsection (9), after the definition of “employer” insert—
 

““relevant date” means the date on which section 87 of the Pensions Act 2008 comes into force.”
- (12) In that subsection—
  - (a) omit the definition of “qualifying scheme”;
  - (b) omit the definition of “relevant employees”.
- (13) In section 6 (application of certain enactments), omit subsections (1), (2) and (4).
- (14) In section 8 (interpretation), in subsection (1), omit the definition of “designated scheme”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)