



# 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- (b) the employee made a request under subsection (5) before the relevant date and that request has not been withdrawn;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—

---

*Status: This is the original version (as it was originally enacted).*

---

- (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”.