



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

##### CHAPTER 1

###### EMPLOYERS' DUTIES

###### *Employers' duties*

#### <sup>[F14]</sup> Postponement or disapplication of automatic enrolment

(1) Where—

(a) an employer (E) gives to a person employed by E on E's staging date ("the worker") notice that E intends to defer automatic enrolment for the worker until a date specified in the notice ("the deferral date"), and

(b) any prescribed requirements in relation to the notice are met,

the worker's automatic enrolment date is the deferral date if on that date section 3 applies to the worker as a jobholder of E; if not, subsection (4) applies.

(2) Where—

(a) a person ("the worker") begins to be employed by an employer (E) after E's staging date,

(b) E gives the worker notice that E intends to defer automatic enrolment until a date specified in the notice ("the deferral date"), and

(c) any prescribed requirements in relation to the notice are met,

the worker's automatic enrolment date is the deferral date if on that date section 3 applies to the worker as a jobholder of E; if not, subsection (4) applies.

(3) Where—

*Status: Point in time view as at 03/11/2011.*

*Changes to legislation: Pensions Act 2008, Section 4 is up to date with all changes known to be in force on or before 11 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)*

- (a) a person (“the worker”) employed by an employer (E) becomes, after E's staging date, a jobholder to whom section 3 applies,
  - (b) E gives the worker notice that E intends to defer automatic enrolment until a date specified in the notice (“the deferral date”), and
  - (c) any prescribed requirements in relation to the notice are met,
- the worker's automatic enrolment date is the deferral date if on that date section 3 applies to the worker as a jobholder of E; if not, subsection (4) applies.
- (4) Where this subsection applies, section 3(2) does not apply in relation to any employment of the worker by E in the period beginning with the starting day and ending with the deferral date.
  - (5) A notice under this section may be given on or before the starting day or within a prescribed period after that day.
  - (6) The deferral date may be any date in the period of three months after the starting day.
  - (7) An employer who gives a worker a notice under subsection (1) or (2) may not give the worker a notice under subsection (3) in relation to any occasion on or before the deferral date specified in the notice on which the worker becomes a jobholder to whom section 3 applies.
  - (8) In this section—
    - “staging date”, in relation to an employer of a particular description, means the date prescribed under section 12 in relation to employers of that description;
    - “starting day” means—
      - (a) E's staging date, in the case of a notice under subsection (1);
      - (b) the day on which the worker begins to be employed by E, in the case of a notice under subsection (2);
      - (c) the day on which the worker becomes a jobholder to whom section 3 applies, in the case of a notice under subsection (3).]

#### **Textual Amendments**

- F1** S. 4 substituted (3.11.2011 for specified purposes otherwise 30.6.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 6\(2\), 38\(1\)\(4\)](#); S.I. 2012/1681, [art. 2\(1\)\(b\)](#)

#### **Commencement Information**

- II** S. 4 (as originally enacted) in force for certain purposes at Royal Assent see [s. 149\(2\)\(k\)](#)

**Status:**

Point in time view as at 03/11/2011.

**Changes to legislation:**

Pensions Act 2008, Section 4 is up to date with all changes known to be in force on or before 11 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.