



Pensions Act 2011

2011 CHAPTER 19

PART 2

AUTOMATIC ENROLMENT

6 Postponement or disapplication of automatic enrolment

(1) In section 3 of the 2008 Act (automatic enrolment) at the end of subsection (7) insert—

“This is subject to section 4.”

(2) For section 4 of the 2008 Act substitute—

“4 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.

*Changes to legislation: There are currently no known outstanding effects
for the Pensions Act 2011, Section 6. (See end of Document for details)*

- (3) Where—
- (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).”
- (3) In section 5 of the 2008 Act (automatic re-enrolment) omit subsection (5).
- (4) In section 6 of the 2008 Act (timing of automatic re-enrolment)—
- (a) omit subsections (3) and (6);
 - (b) in subsection (4) for “second case” substitute “ first case ”;
 - (c) in subsection (5) for “third case” substitute “ second case ”.
- (5) In section 7 of the 2008 Act (jobholder's right to opt in) omit paragraph (b) of subsection (2) and the “or” before it.
- (6) In section 30 of the 2008 Act (transitional period for defined benefits and hybrid schemes) in subsection (7)—
- (a) for “applies, section” substitute “applies—
 - (a) section”;
 - (b) for “day on which” substitute “ day with effect from which ”;
 - (c) at the end insert—

Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2011, Section 6. (See end of Document for details)

- “(b) section 4 applies as if—
- (i) the reference in subsection (1) to the employer's staging date were a reference to the employer's first enrolment date;
 - (ii) in that subsection, for “the workers's automatic enrolment date is the deferral date” there were substituted “ the day with effect from which arrangements fall to be made by virtue of section 30 in respect of the jobholder is changed to the deferral date ”;
 - (iii) in subsections (4) to (6), references to the starting day were references to the day with effect from which arrangements would by virtue of this section fall to be made in respect of the jobholder.”

Commencement Information

- I1** Pt. 2 (ss. 4-18) partly in force; Pt. 2 (ss. 4-18) in force at 3.11.2011 in so far as it confers power to make subordinate legislation see s. 38(1).
- I2** S. 6 in force at 30.6.2012 in so far as not already in force by S.I. 2012/1681, art. 2(1)(b)

Changes to legislation:

There are currently no known outstanding effects for the Pensions Act 2011, Section 6.