



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Miscellaneous

^{F1}Effect of freezing order [^{F2}, assessment period or pause order]

31.—(1) Where a jobholder is an active member of a qualifying scheme and a freezing event occurs in relation to the scheme, the jobholder does not, for the purposes of this Chapter, cease to be an active member of the scheme, and the scheme does not, for those purposes, cease to be a qualifying scheme, by virtue of any relevant provision.

(2) Where a worker is an active member of a scheme that satisfies the requirements of section 9 and a freezing event occurs in relation to the scheme, the worker does not, for the purposes of section 9(1)(c), cease to be an active member of the scheme by virtue of any relevant provision.

(3) In this section—

“freezing event” in relation to a scheme means—

- (a) the making of a freezing order under Article 19 of the Pensions (Northern Ireland) Order 2005 (NI 1) (in this Act referred to as “the 2005 Order”) in relation to the scheme, ^{F3}...
- (b) the beginning of an assessment period within the meaning of Article 116 of that Order in relation to the scheme [^{F4}, or

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- (c) the making of a pause order under section 95 of the Pension Schemes Act 2021;]^{F5}, or
 - (d) the making of a pause order under section 31 of the Pension Schemes Act (Northern Ireland) 2021;]
- “relevant provision” means—
- (a) in relation to a freezing order, provision contained in the order, or the provision made with respect to the order by Article 19 of the 2005 Order;
 - (b) in relation to an assessment period, the provision made with respect to the period by Article 117 of that Order.
 - (c) [^{F6}in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 95 of the Pension Schemes Act 2021.]
 - (d) [^{F7}in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 31 of the Pension Schemes Act (Northern Ireland) 2021.]

Textual Amendments

- F1** Words in s. 31 heading substituted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(2)**; S.R. 2022/197, art. 3(a)
- F2** Words in s. 31 heading substituted (11.2.2021 for specified purposes) by Pension Schemes Act 2021 (c. 1), s. 131(2)(a)(3)(a), **Sch. 6 para. 22(2)** and (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 20(c)**; S.R. 2022/110, art. 2(a)(b)
- F3** Word in s. 31(3) omitted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by virtue of Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(3)(a)(i)**; S.R. 2022/197, art. 3(a)
- F4** Words in s. 31(3) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(3)(a)(ii)**; S.R. 2022/197, art. 3(a)
- F5** Words in s. 31(3) added (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 20(a)**; S.R. 2022/110, art. 2(a)(b)
- F6** Words in s. 31(3) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(3)(b)**; S.R. 2022/197, art. 3(a)
- F7** Words in s. 31(3) added (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 20(b)**; S.R. 2022/110, art. 2(a)(b)

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Commencement Information

II S. 31 in operation at 30.6.2012 by S.R. 2012/266, art. 2, **Sch. Pt. 2**

^{F1}Power of trustees [^{F8}or managers] to modify by resolution

32.—(1) The trustees [^{F9}or managers] of an occupational pension scheme may by resolution modify the scheme—

- (a) with a view to enabling the scheme to comply with the conditions in section 17(2), or
- (b) by increasing the amount required to be paid in contributions in order for the scheme^{F10} to satisfy—
 - (i) the requirements contained in section 20(1),
 - (ii) those requirements as modified under section 24(1)(a), or
 - (iii) a requirement prescribed under section 28(2)(b).]

(2) An increase under subsection (1)(b) may be made only—

- (a) by increasing the amount of any contribution, directly or by modifying the basis on which it is calculated, or
- (b) by increasing the frequency of any contributions.

(3) No modification may be made by virtue of subsection (1) without the consent of the employer in relation to the scheme.

(4) In the application of subsection (3) to a scheme in relation to which there is more than one employer, references to the employer have effect as if they were references to a person nominated by the employers, or by the scheme, to act as the employers' representative for the purposes of this section or, if no such nomination is made, to all of the employers.

(5) Regulations may provide that this section does not apply to occupational pension schemes within a prescribed class or description.

Textual Amendments

F1 Words in [s. 31 heading](#) heading substituted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by [Pension Schemes Act 2021 \(c. 1\)](#), [s. 131\(1\)\(3\)\(a\)](#), [Sch. 6 para. 22\(2\)](#); S.R. 2022/197, art. 3(a)

F8 Words in [s. 32 heading](#) inserted (30.6.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), [ss. 17, 34\(3\)](#); S.R. 2012/265, art. 2(2)(b)

F9 Words in [s. 32\(1\)](#) inserted (30.6.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), [ss. 17, 34\(3\)](#); S.R. 2012/265, art. 2(2)(b)

F10 Words in [s. 32\(1\)\(b\)](#) substituted (2.6.2012 for specified purposes, 7.6.2012 in so far as not already in operation) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), [ss. 13\(7\), 34\(1\)\(3\)](#); S.R. 2012/233, art. 2(1)(b)

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Commencement Information

- I2** S. 32 partly in force; s. 32 in force for certain purposes at Royal Assent see [s. 118\(2\)](#)
- I3** S. 32 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266, art. 2, Sch. Pt. 1](#)

^{F1}Deduction of contributions

33.—(1) An employer who arranges for a person to become a member of a scheme in accordance with section 3(2), 5(2) or 7(3), or of an occupational pension scheme in accordance with section 9(2), may deduct the person's contributions to the scheme from the person's remuneration and pay them to the trustees or managers of the scheme (in the case of an occupational pension scheme) or the provider of the scheme (in the case of a personal pension scheme).

(2) Regulations prescribing arrangements for the purposes of section 3(2), 5(2), 7(3) or 9(2), may require the employer to make such a deduction or payment at any time on or after the date with effect from which the jobholder is to become an active member of a scheme under the arrangements.

Textual Amendments

- F1** Words in [s. 31 heading](#) heading substituted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by [Pension Schemes Act 2021 \(c. 1\), s. 131\(1\)\(3\)\(a\), Sch. 6 para. 22\(2\); S.R. 2022/197, art. 3\(a\)](#)

Commencement Information

- I4** S. 33 partly in force; s. 33 in force for certain purposes at Royal Assent see [s. 118\(2\)](#)
- I5** S. 33 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266, art. 2, Sch. Pt. 1](#)

Changes to legislation:

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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. 24\(1\)\(c\) inserted by 2016 c. 1 \(N.I.\) Sch. 2 para. 39\(2\)\(d\)](#)