



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

#### CHAPTER 1

#### EMPLOYERS' DUTIES

#### *Employers' duties*

### 5 Automatic re-enrolment

[<sup>F1</sup>(1) This section applies to a jobholder—

- (a) who is aged at least 22,
- (b) who has not reached pensionable age, and
- (c) to whom earnings of more than [<sup>F2</sup>£10,000] are payable by the employer in the relevant pay reference period (see section 15).]

[<sup>F3</sup>(1A) This section also applies to a jobholder who—

- (a) is aged at least 22,
- (b) has not reached pensionable age, and
- (c) is not an active member of a qualifying scheme because there has been a period beginning at any time after the jobholder's automatic enrolment date during which the requirements of section 1(1)(a) or (c) were not met (so that the person was not a jobholder for that period).

(1B) This section also applies to a jobholder who has ceased to be an active member of a qualifying scheme because of something other than an action or omission by the jobholder.]

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- (2) The employer must make prescribed arrangements by which the jobholder becomes an active member of an automatic enrolment scheme with effect from the automatic re-enrolment date.
- (3) Subsection (2) does not apply if the jobholder was an active member of a qualifying scheme on the automatic re-enrolment date.
- [<sup>F4</sup>(3A) Subsection (2) does not apply if the jobholder's automatic enrolment date is deferred under section 4 from a date before the automatic re-enrolment date to a date after the automatic re-enrolment date.]
- <sup>F5</sup>(4) . . . . .
- <sup>F6</sup>(5) . . . . .
- (6) For the purposes of arrangements under subsection (2) regulations may require information to be provided to any person by the employer or—
- (a) where the arrangements relate to an occupational pension scheme, the trustees or managers of the scheme;
  - (b) where the arrangements relate to a personal pension scheme, the provider of the scheme.
- (7) For the purposes of arrangements made under subsection (2) in relation to a personal pension scheme, regulations may deem an agreement to exist (subject to section 8) between the jobholder and the provider of the scheme for the jobholder to be an active member of the scheme on terms and conditions determined in accordance with the regulations.
- [<sup>F7</sup>(7A) In this section “ earnings ” has the meaning given in section 13(3).
- (7B) In the case of a pay reference period of less or more than 12 months, subsection (1) applies as if the amount in paragraph (c) were proportionately less or more.]
- (8) Automatic re-enrolment dates are dates <sup>F8</sup>. . . that are to be determined in accordance with regulations.

#### Textual Amendments

- F1** S. 5(1) substituted (3.11.2011 for specified purposes otherwise 30.6.2012) by [Pensions Act 2011 \(c. 19\), ss. 5\(3\), 38\(1\)\(4\); S.I. 2012/1681, art. 2\(2\)\(a\)](#)
- F2** Word in s. 5(1)(c) substituted (6.4.2014) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2014 \(S.I. 2014/623\), art. 2\(1\)](#)
- F3** S. 5(1A)(1B) inserted (3.11.2011 for specified purposes otherwise 30.6.2012) by [Pensions Act 2011 \(c. 19\), ss. 4\(2\), 38\(1\)\(4\); S.I. 2012/1681, art. 2\(1\)\(a\)](#)
- F4** S. 5(3A) inserted (11.9.2014) by [Pensions Act 2014 \(c. 19\), ss. 37\(2\), 56\(1\); S.I. 2014/2377, art. 2\(1\)\(a\)\(i\)\(2\)\(b\)](#)
- F5** S. 5(4) repealed (11.9.2014) by [Pensions Act 2014 \(c. 19\), ss. 38\(3\)\(b\), 56\(1\); S.I. 2014/2377, art. 2\(1\)\(a\)\(i\)\(2\)\(c\)](#)
- F6** S. 5(5) omitted (3.11.2011 for specified purposes otherwise 30.6.2012) by virtue of [Pensions Act 2011 \(c. 19\), ss. 6\(3\), 38\(1\)\(4\); S.I. 2012/1681, art. 2\(1\)\(b\)](#)
- F7** S. 5(7A)(7B) inserted (3.11.2011 for specified purposes otherwise 30.6.2012) by [Pensions Act 2011 \(c. 19\), ss. 5\(4\), 38\(1\)\(4\); S.I. 2012/1681, art. 2\(2\)\(a\)](#)
- F8** Words in s. 5(8) omitted (3.11.2011 for specified purposes otherwise 30.6.2012) by virtue of [Pensions Act 2011 \(c. 19\), ss. 4\(4\), 38\(1\)\(4\); S.I. 2012/1681, art. 2\(1\)\(a\)](#)

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#### **Modifications etc. (not altering text)**

- C1** S. 5 modified (6.4.2019) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2019 \(S.I. 2019/374\)](#), arts. 1(2), **3**
- C2** S. 5(2): Power to exclude conferred (3.11.2011) by [Pensions Act 2004 \(c. 35\)](#), s. **292A** (as inserted by [Pensions Act 2011 \(c. 19\)](#), ss. **18**, 38(1))
- C3** S. 5(2) excluded (1.7.2012) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) Regulations 2010 \(S.I. 2010/772\)](#), regs. **1(1)** (as amended by S.I. 2012/1257, reg. **3(b)**) and 14 (as substituted by S.I. 2012/215, regs. **1(2)(c)**, 22)
- C4** S. 5(2) excluded (2.7.2012) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) Regulations 2010 \(S.I. 2010/772\)](#), regs. **1(1)** (as amended by S.I. 2012/1257, reg. **3(b)**) and 5A (as inserted by S.I. 2012/1477, regs. **1**, 2)
- C5** S. 5(2) modified by S.I. 2010/772, regs. 5B-5E (as inserted (1.4.2015) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Amendment\) Regulations 2015 \(S.I. 2015/501\)](#), regs. **1**, **5**)
- C6** S. 5(2) modified by S.I. 2010/772 regs. 5EA, 5EB (as inserted (6.4.2016) by [The Occupational and Personal Pension Schemes \(Automatic Enrolment\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/311\)](#), regs. 1(1), **4(3)**)
- C7** S. 5(7B) modified (15.6.2012) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2012 \(S.I. 2012/1506\)](#), art. **3**
- C8** S. 5(7B) modified (6.4.2013) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2013 \(S.I. 2013/667\)](#), arts. 1(1), **3**
- C9** S. 5(7B) modified (6.4.2014) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2014 \(S.I. 2014/623\)](#), art. **3**
- C10** S. 5(7B) modified (6.4.2015) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2015 \(S.I. 2015/468\)](#), arts. 1(1), **3**
- C11** S. 5(7B) modified (6.4.2016) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2016 \(S.I. 2016/435\)](#), arts. 1(1), **3**
- C12** S. 5(7B) modified (6.4.2017) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2017 \(S.I. 2017/394\)](#), arts. 1(1), **3**
- C13** S. 5(7B) modified (6.4.2018) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2018 \(S.I. 2018/367\)](#), arts. 1(1), **3**
- C14** S. 5(7B) modified (6.4.2020) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2020 \(S.I. 2020/372\)](#), arts. 1(2), **3**

#### **Commencement Information**

- II** S. 5 wholly in force at 30.6.2012; s. 5 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 5 in force so far as not already in force at 30.6.2012 by S.I. 2012/1682, art. **2(1)(2)(a)**, Sch. 1

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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\(5\)\(b\)](#)