



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Duty in relation to workers without qualifying earnings

Workers without qualifying earnings

9.—(1) This section applies to a worker—

- (a) to whom paragraphs (a) and (b) of section 1(1) apply (working in Northern Ireland and aged between 16 and 75),
- (b) to whom paragraph (c) of section 1(1) does not apply (qualifying earnings), and
- (c) who is not an active member of a pension scheme that satisfies the requirements of this section.

(2) The worker may by notice require the employer to arrange for the worker to become an active member of a pension scheme that satisfies the requirements of this section.

(3) The Department may by regulations make provision—

- (a) about the form and content of the notice;
- (b) about the arrangements that the employer is required to make;

Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Cross Heading: Duty in relation to workers without qualifying earnings is up to date with all changes known to be in force on or before 08 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) View outstanding changes*

- (c) for determining the date with effect from which the worker is (subject to compliance with any requirements of the scheme) to become an active member under the arrangements.
- (4) Subsections (5) and (6) apply where a worker becomes an active member of a pension scheme in pursuance of a notice under this section and, within the period of 12 months beginning with the day on which that notice was given—
 - (a) ceases to be an active member of that scheme because of any action or omission by the worker, and
 - (b) gives the employer a further notice under this section.
- (5) The further notice does not have effect to require the employer to arrange for the worker to become an active member of a pension scheme.
- (6) But any arrangements the employer makes for the worker to become, within that period, an active member of a pension scheme that satisfies the requirements of this section must be made in accordance with regulations under this section.
- (7) A pension scheme satisfies the requirements of this section if—
 - (a) it is registered under Chapter 2 of Part 4 of the Finance Act 2004 (c. 12), and
 - (b) in the case of a personal pension scheme, there are, in relation to the worker concerned, direct payment arrangements (within the meaning of section 107A of the Pension Schemes (Northern Ireland) Act 1993 (c. 49) (in this Act referred to as “the Pension Schemes Act”)) between the worker and the employer.

Modifications etc. (not altering text)

- C1** S. 9(2): power to exclude conferred by SI 2005/255 (N.I. 1), art. 268A (as inserted (2.6.2012 for specified purposes) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), **ss. 19**, 34(1)(3))
-

Commencement Information

- I1** S. 9 partly in force; s. 9 in force for certain purposes at Royal Assent see s. 118(2)
- I2** S. 9 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:

Pensions (No. 2) Act (Northern Ireland) 2008, Cross Heading: Duty in relation to workers without qualifying earnings is up to date with all changes known to be in force on or before 08 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.

[View outstanding changes](#)

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\(2\)\(d\)](#)