



## 2008 CHAPTER 13

### **PART 1**

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

##### CHAPTER 1

##### EMPLOYERS' DUTIES

###### *Employers' duties*

#### **Continuity of scheme membership**

**2.—**(1) If a jobholder is an active member of a qualifying scheme, the employer must not take any action, or make any omission, by which (without the jobholder ceasing to be employed by the employer)—

- (a) the jobholder ceases to be an active member of the scheme, or
- (b) the scheme ceases to be a qualifying scheme.

(2) Subsection (1) is not contravened if the jobholder remains an active member of another qualifying scheme.

[<sup>F1</sup>(3) Subsection (1) is not contravened if by virtue of section 5 the jobholder becomes an active member of an automatic enrolment scheme with effect from—

- (a) the day after the cessation referred to in paragraph (a) or (b) of subsection (1), or
- (b) a day within the prescribed period (if a period is prescribed).]

(4) Subsection (1) is not contravened if the action or omission is at the jobholder's request.

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**Changes to legislation:** *Pensions (No. 2) Act (Northern Ireland) 2008, Section 2 is up to date with all changes known to be in force on or before 04 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*

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(5) In this Part as it applies in the case of any jobholder, references to a qualifying scheme are references to a pension scheme which is a qualifying scheme in relation to that jobholder (see section 16).

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#### **Textual Amendments**

- F1** S. 2(3) substituted (2.6.2012 for specified purposes, 30.6.2012 in so far as not already in operation) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), **ss. 5(1), 34(1)(3)**; S.R. 2012/265, art. 2(1)(a)

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

- C1** Pt. 1 applied (with modifications) (1.7.2012) by [The Automatic Enrolment \(Offshore Employment\) Order 2012 \(S.I. 2012/1388\)](#), arts. 1(1), **2** (with art. 5)
- C2** S. 2(1): 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)**)

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#### **Commencement Information**

- I1** S. 2 partly in force; s. 2 in force for certain purposes at Royal Assent see s. 118(2)
- I2** S. 2 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, Section 2 is up to date with all changes known to be in force on or before 04 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.

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