

*Status: Point in time view as at 06/04/2020. This version of this provision has been superseded.*  
**Changes to legislation:** *Pensions (No. 2) Act (Northern Ireland) 2008, Section 5 is up to date with all changes known to be in force on or before 13 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)*



## 2008 CHAPTER 13

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

##### CHAPTER 1

##### EMPLOYERS' DUTIES

##### *Employers' duties*

#### **Automatic re-enrolment**

**5.**—<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 (30.6.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), ss. 6\(3\), 34\(3\)](#); [S.R. 2012/265, art. 2\(2\)\(a\)](#)

**F2** Sum in s. 5(1)(c) substituted (6.4.2014) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order \(Northern Ireland\) 2014 \(S.R. 2014/81\), arts. 1\(1\), 2\(1\)](#)

**F3** S. 5(1A)-(1B) inserted (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\(2\), 34\(1\)\(3\)](#); [S.R. 2012/265, art. 2\(1\)\(a\)](#)

**F4** S. 5(3A) inserted (16.7.2015) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), ss. 36\(2\), 53\(1\)](#); [S.R. 2015/307, art. 2\(1\)\(b\)](#)

**F5** S. 5(4) repealed (16.7.2015) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), ss. 37\(3\)\(b\), 53\(1\)](#); [S.R. 2015/307, art. 2\(1\)\(c\)](#)

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- F6** S. 5(5) omitted (2.6.2012 for specified purposes, 30.6.2012 in so far as not already in operation) by virtue of [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), **ss. 7(3)**, 34(1)(3); S.R. 2012/265, art. 2(1)(a)
- F7** S. 5(7A)(7B) inserted (30.6.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), **ss. 6(4)**, 34(3); S.R. 2012/265, art. 2(2)(a)
- F8** Words in s. 5(8) omitted (2.6.2012 for specified purposes, 30.6.2012 in so far as not already in operation) by virtue of [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), **ss. 5(4)**, 34(1)(3); S.R. 2012/265, art. 2(1)(a)

#### **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. 5(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))
- C3** S. 5(2) excluded by S.R. 2010/122, reg. 14 (as substituted (1.7.2012) by [The Automatic Enrolment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/232\)](#), regs., **2(8)**)
- C4** S. 5(7B) modified (6.4.2018) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order \(Northern Ireland\) 2018 \(S.R. 2018/52\)](#), arts. 1(1), **3**
- C5** S. 5(7B) modified (6.4.2019) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order \(Northern Ireland\) 2019 \(S.R. 2019/30\)](#), arts. 1(1), **3**
- C6** S. 5(7B) modified (6.4.2020) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order \(Northern Ireland\) 2020 \(S.R. 2020/51\)](#), arts. 1(1), **3**

#### **Commencement Information**

- I1** S. 5 partly in force; s. 5 in force for certain purposes at Royal Assent see s. 118(2)
- I2** S. 5 in operation at 30.6.2012 in so far as not already in operation by S.R. 2012/266, art. 2, [Sch. Pt. 1](#)

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