

## 2015 CHAPTER 5

### PART 6

#### PRIVATE PENSIONS

##### *Automatic enrolment*

#### **Unpaid scheme contributions**

**41.—**(1) The Pension Schemes Act is amended as follows.

(2) In section 119 (payment by Department for Employment and Learning of unpaid scheme contributions on employer insolvency: interpretation)—

(a) in subsection (2), for the definition of “contract of employment” and related expressions substitute—

“employer”, employment”, worker” and worker’s contract” and other expressions which are defined in the Employment Rights (Northern Ireland) Order 1996 have the same meaning as in that Order (see further subsections (2A) and (2B));”;

(b) in subsection (2), in paragraph (b) of the definition of “holiday pay”, for “the employee’s contract of employment” substitute “the worker’s contract”;

(c) after subsection (2) insert—

“(2A) Section 71 of the Pensions (No. 2) Act (Northern Ireland) 2008 (agency workers) applies for the purposes of this Chapter as it applies for the purposes of Part 1 of that Act.

(2B) References in this Chapter to a worker include references to an individual to whom Part 1 of the Pensions (No. 2) Act (Northern Ireland)

2008 applies as if the individual were a worker because of regulations made under section 77 of that Act; and related expressions are to be read accordingly.”.

(3) In section 120 (Department for Employment and Learning’s duty to pay unpaid contributions)—

- (a) for “an employee”, in each place, substitute “a worker”;
- (b) for “the employee”, in each place, substitute “the worker”;
- (c) for “the employee’s” substitute “the worker’s”;
- (d) for “employees”, in each place, substitute “workers”.

(4) In section 157, for “contract of employment” substitute “worker’s contract”.

(5) In section 161(6)—

- (a) in paragraph (a), for “contract of employment the employee” substitute “worker’s contract the worker”;
- (b) in paragraph (b), for “employee” substitute “worker”.