



Pensions Act 2008

2008 CHAPTER 30

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Qualifying schemes and automatic enrolment schemes

16 Qualifying schemes

- (1) A pension scheme is a qualifying scheme in relation to a jobholder (J) if—
 - (a) the scheme is an occupational pension scheme or a personal pension scheme,
 - (b) the scheme is registered under Chapter 2 of Part 4 of the Finance Act 2004 (c. 12), and
 - (c) while J is an active member, the scheme satisfies the quality requirement in relation to J.
- (2) The Secretary of State may by regulations provide that subsection (1)(b) does not apply in relation to a scheme to which section 25 or 27 applies, if prescribed requirements are satisfied.
- (3) The Secretary of State may by regulations provide that a scheme is not a qualifying scheme in relation to J if—
 - ^{F1}(a)
 - ^{F2}(aa)
 - ^{F3}(ab)
 - (b) while J is an active member, the contributions that must be paid to the scheme by, or on behalf or in respect of, J exceed a prescribed amount, or

Changes to legislation: Pensions Act 2008, Section 16 is up to date with all changes known to be in force on or before 14 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) the scheme provides for average salary benefits to be provided to or in respect of J and contains prescribed features.

[^{F4}(3A) See also paragraphs 1(4) and 2(4) of Schedule 18 to the Pensions Act 2014, which confer power to make regulations providing for a scheme not to be a qualifying scheme in relation to a jobholder in certain circumstances.]

^{F5}(4)

^{F5}(5)

Textual Amendments

- F1** S. 16(3)(a) omitted (11.9.2014) by virtue of Pensions Act 2014 (c. 19), s. 56(1), **Sch. 18 para. 11(2)**; S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)
- F2** S. 16(3)(aa) omitted (11.9.2014) by virtue of Pensions Act 2014 (c. 19), s. 56(1), **Sch. 18 para. 11(2)**; S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)
- F3** S. 16(3)(ab) omitted (11.9.2014) by virtue of Pensions Act 2014 (c. 19), s. 56(1), **Sch. 18 para. 11(2)**; S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)
- F4** S. 16(3A) inserted (11.9.2014) by Pensions Act 2014 (c. 19), s. 56(1), **Sch. 18 para. 11(3)**; S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)
- F5** S. 16(4)(5) omitted (11.9.2014) by virtue of Pensions Act 2014 (c. 19), s. 56(1), **Sch. 18 para. 11(4)**; S.I. 2014/2377, art. 2(1)(a)(i)(2)(k)

Modifications etc. (not altering text)

- C1** S. 16(1)(b) excluded (1.7.2012) by The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (S.I. 2010/772), regs. 1(1) (as amended by S.I. 2012/1257, **reg. 3(b)**) and 47

Commencement Information

- I1** S. 16 wholly in force at 30.6.2012; s. 16 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 16 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

Changes to legislation:

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