



Pensions Act 2008

2008 CHAPTER 30

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Employers' duties

8 Jobholder's right to opt out

- (1) This section applies on any occasion when arrangements under section 3(2), 5(2) or 7(3) apply to a jobholder (arrangements for the jobholder to become an active member of an automatic enrolment scheme).
- (2) If the jobholder gives notice under this section—
 - (a) the jobholder is to be treated for all purposes as not having become an active member of the scheme on that occasion;
 - (b) any contributions paid by the jobholder, or by the employer on behalf or in respect of the jobholder, on the basis that the jobholder has become an active member of the scheme on that occasion must be refunded in accordance with prescribed requirements.
- (3) Regulations under subsection (2)(b) may, in particular, make provision about—
 - (a) the time within which contributions must be refunded;
 - (b) how the amount to be refunded is calculated;
 - (c) the procedure for refunding contributions.
- (4) The Secretary of State may by regulations make further provision in relation to notices under this section.

Status: This is the original version (as it was originally enacted).

- (5) The regulations may in particular make provision—
- (a) as to the form and content of a notice;
 - (b) as to the period within which a notice must be given;
 - (c) as to the person to whom a notice must be given;
 - (d) requiring any person to make prescribed arrangements for enabling notices to be given;
 - (e) requiring any person to take prescribed action in consequence of a notice (in addition to any action prescribed under subsection (2)(b)).
- (6) The regulations must provide for the notice—
- (a) to include information about the effect in relation to jobholders of giving notice under this section, and
 - (b) to be signed or otherwise authorised by the jobholder.