



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

#### CHAPTER 1

#### EMPLOYERS' DUTIES

#### *Miscellaneous*

### 31 Effect of freezing order <sup>F1</sup>, assessment period or pause order]

- (1) Where a jobholder is an active member of a qualifying scheme and a freezing event occurs in relation to the scheme, the jobholder does not, for the purposes of this Chapter, cease to be an active member of the scheme, and the scheme does not, for those purposes, cease to be a qualifying scheme, by virtue of any relevant provision.
- (2) Where a worker is an active member of a scheme that satisfies the requirements of section 9 and a freezing event occurs in relation to the scheme, the worker does not, for the purposes of section 9(1)(c), cease to be an active member of the scheme by virtue of any relevant provision.
- (3) In this section—
  - “freezing event” in relation to a scheme means—
    - (a) the making of a freezing order under section 23 of the Pensions Act 2004 (c. 35) in relation to the scheme, <sup>F2</sup>...
    - (b) the beginning of an assessment period within the meaning of section 132 of that Act in relation to the scheme, <sup>F2</sup>...
    - (c) <sup>F3</sup>the making of a pause order under section 31 of the Pension Schemes Act 2017<sup>F4</sup>, or

---

**Changes to legislation:** Pensions Act 2008, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 25 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

---

- (d) the making of a pause order under section 44 of the Pension Schemes Act 2021;]
- “relevant provision” means—
- (a) in relation to a freezing order, provision contained in the order, or the provision made with respect to the order by section 23 of the Pensions Act 2004;
- (b) in relation to an assessment period, the provision made with respect to the period by section 133 of that Act.
- (c) [<sup>F5</sup>in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 31 of the Pension Schemes Act 2017 [<sup>F6</sup>or (as the case may be) section 44 of the Pension Schemes Act 2021].]

#### Textual Amendments

- F1** Words in s. 31 heading substituted (5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by Pension Schemes Act 2017 (c. 17), s. 44(2), **Sch. 3 para. 14(c)**; S.I. 2018/965, reg. 2(a)(b)
- F2** Word in s. 31(3) omitted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by virtue of Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 3 para. 22(a)(i)**; S.I. 2022/721, regs. 1(2), 3(a)
- F3** Words in s. 31(3) inserted (5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by Pension Schemes Act 2017 (c. 17), s. 44(2), **Sch. 3 para. 14(a)**; S.I. 2018/965, reg. 2(a)(b)
- F4** Words in s. 31(3) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 3 para. 22(a)(ii)**; S.I. 2022/721, regs. 1(2), 3(a)
- F5** Words in s. 31(3) inserted (5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by Pension Schemes Act 2017 (c. 17), s. 44(2), **Sch. 3 para. 14(b)**; S.I. 2018/965, reg. 2(a)(b)
- F6** Words in s. 31(3) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 3 para. 22(b)**; S.I. 2022/721, regs. 1(2), 3(a)

## 32 Power of trustees [<sup>F7</sup>or managers] to modify by resolution

- (1) The trustees [<sup>F7</sup>or managers] of an occupational pension scheme may by resolution modify the scheme—
- (a) with a view to enabling the scheme to comply with the conditions in section 17(2), or
- (b) by increasing the amount required to be paid in contributions, in order for the scheme [<sup>F8</sup>to satisfy—
- (i) the requirements contained in section 20(1),
- (ii) those requirements as modified under section 24(1)(a), or
- (iii) a requirement prescribed under section 28(2)(b).]
- (2) An increase under subsection (1)(b) may be made only—
- (a) by increasing the amount of any contribution, directly or by modifying the basis on which it is calculated, or
- (b) by increasing the frequency of any contributions.
- (3) No modification may be made by virtue of subsection (1) without the consent of the employer in relation to the scheme.

---

**Changes to legislation:** Pensions Act 2008, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 25 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

---

- (4) In the application of subsection (3) to a scheme in relation to which there is more than one employer, references to the employer have effect as if they were references to a person nominated by the employers, or by the scheme, to act as the employers' representative for the purposes of this section or, if no such nomination is made, to all of the employers.
- (5) Regulations may provide that this section does not apply to occupational pension schemes within a prescribed class or description.

#### Textual Amendments

- F7** Words in s. 32 heading and s. 32(1) inserted (3.11.2011 for specified purposes otherwise 30.6.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 16, 38\(1\)\(4\)](#); [S.I. 2012/1681](#), [art. 2\(2\)\(b\)](#)
- F8** Words in s. 32(1)(b) substituted (3.11.2011 for specified purposes otherwise 6.3.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 12\(8\), 38\(1\)\(4\)](#); [S.I. 2012/682](#), [art. 2\(b\)](#)

#### Commencement Information

- I1** S. 32 wholly in force at 30.6.2012; s. 32 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 32 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](#)

### 33 Deduction of contributions

- (1) An employer who arranges for a person to become a member of a scheme in accordance with section 3(2), 5(2) or 7(3), or of an occupational pension scheme in accordance with section 9(2), may deduct the person's contributions to the scheme from the person's remuneration and pay them to the trustees or managers of the scheme (in the case of an occupational pension scheme) or the provider of the scheme (in the case of a personal pension scheme).
- (2) Regulations prescribing arrangements for the purposes of section 3(2), 5(2), 7(3) or 9(2), may require the employer to make such a deduction or payment at any time on or after the date with effect from which the jobholder is to become an active member of a scheme under the arrangements.

#### Commencement Information

- I2** S. 33 wholly in force at 30.6.2012; s. 33 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 33 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:**

Pensions Act 2008, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 25 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.

[View outstanding changes](#)

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