



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

#### CHAPTER 1

#### EMPLOYERS' DUTIES

#### *Employers' duties*

#### <sup>[F14]</sup> Postponement or disapplication of automatic enrolment

(1) Where—

- (a) an employer (E) gives to a person employed by E on E's staging date ("the worker") notice that E intends to defer automatic enrolment for the worker until a date specified in the notice ("the deferral date"), and
- (b) any prescribed requirements in relation to the notice are met,

the worker's automatic enrolment date is the deferral date if on that date section 3 applies to the worker as a jobholder of E; if not, subsection (4) applies.

(2) Where—

- (a) a person ("the worker") begins to be employed by an employer (E) after E's staging date,
- (b) E gives the worker notice that E intends to defer automatic enrolment until a date specified in the notice ("the deferral date"), and
- (c) any prescribed requirements in relation to the notice are met,

the worker's automatic enrolment date is the deferral date if on that date section 3 applies to the worker as a jobholder of E; if not, subsection (4) applies.

(3) Where—

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*Changes to legislation: Pensions Act 2008, Section 4 is up to date with all changes known to be in force on or before 29 February 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*

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- (a) a person (“the worker”) employed by an employer (E) becomes, after E's staging date, a jobholder to whom section 3 applies,
  - (b) E gives the worker notice that E intends to defer automatic enrolment until a date specified in the notice (“the deferral date”), and
  - (c) any prescribed requirements in relation to the notice are met,
- the worker's automatic enrolment date is the deferral date if on that date section 3 applies to the worker as a jobholder of E; if not, subsection (4) applies.
- (4) Where this subsection applies, section 3(2) does not apply in relation to any employment of the worker by E in the period beginning with the starting day and ending with the deferral date.
  - (5) A notice under this section may be given on or before the starting day or within a prescribed period after that day.
  - (6) The deferral date may be any date in the period of three months after the starting day.
  - (7) An employer who gives a worker a notice under subsection (1) or (2) may not give the worker a notice under subsection (3) in relation to any occasion on or before the deferral date specified in the notice on which the worker becomes a jobholder to whom section 3 applies.
  - (8) In this section—
    - “ staging date ”, in relation to an employer of a particular description, means the date prescribed under section 12 in relation to employers of that description;
    - “ starting day ” means—
      - (a) E's staging date, in the case of a notice under subsection (1);
      - (b) the day on which the worker begins to be employed by E, in the case of a notice under subsection (2);
      - (c) the day on which the worker becomes a jobholder to whom section 3 applies, in the case of a notice under subsection (3).]

#### **Textual Amendments**

- F1** S. 4 substituted (3.11.2011 for specified purposes otherwise 30.6.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 6\(2\), 38\(1\)\(4\)](#); S.I. 2012/1681, [art. 2\(1\)\(b\)](#)

#### **Commencement Information**

- II** S. 4 (as originally enacted) in force for certain purposes at Royal Assent see s. 149(2)(k)

**Changes to legislation:**

Pensions Act 2008, Section 4 is up to date with all changes known to be in force on or before 29 February 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.

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