

These notes refer to the Pensions (No. 2) Act (Northern Ireland) 2008 (c.13) which received Royal Assent on 15 December 2008

Pensions (No. 2) Act (Northern Ireland) 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 1 – Pension Scheme Membership for Jobholders

CHAPTER 2 – Compliance

Section 38: Calculation and payment of contributions

Section 38 makes provision for the calculation of unpaid contributions in respect of (*subsection (1)*):

- a compliance notice issued for contravention of section 2(1), or a failure to comply with, an enrolment duty; or
- an unpaid contribution notice.

Subsection (2) provides that a notice may require the employer to calculate the amount of contributions that have not been paid into the scheme. The notice may also require that, where contributions are made within a prescribed period after a certain date, the employer must pay their own contributions with the worker having the option to pay their own, but not being obliged to do so. However, where contributions are not made during that prescribed period of time, the employer must pay all outstanding contributions.

Section 38 also enables the Pensions Regulator to estimate the amount of unpaid contributions using information other than that provided by the employer (for example, information held by Her Majesty's Revenue and Customs or the employee's scheme) and to require employers to pay interest on unpaid contributions (*subsections (3) and (4)*).