



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Qualifying schemes and automatic enrolment schemes

Qualifying schemes

16.—(1) A pension scheme is a qualifying scheme in relation to a jobholder (J) if—

- (a) it is an occupational pension scheme or a personal pension scheme,
- (b) it 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 Department 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 Department may by regulations provide that a scheme is not a qualifying scheme in relation to J if—

- ^{F1}(a)
- ^{F2}(aa)
- ^{F3}(ab)

Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Cross Heading: Qualifying schemes and automatic enrolment schemes is up to date with all changes known to be in force on or before 09 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*

- (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
- (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 (Northern Ireland) 2015, 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 (16.7.2015) by virtue of [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), [Sch. 18 para. 11\(2\)](#); S.R. 2015/307, art. 2(1)(n)
- F2** S. 16(3)(aa) omitted (16.7.2015) by virtue of [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), [Sch. 18 para. 11\(2\)](#); S.R. 2015/307, art. 2(1)(n)
- F3** S. 16(3)(ab) omitted (16.7.2015) by virtue of [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), [Sch. 18 para. 11\(2\)](#); S.R. 2015/307, art. 2(1)(n)
- F4** S. 16(3A) inserted (16.7.2015) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), [Sch. 18 para. 11\(3\)](#); S.R. 2015/307, art. 2(1)(n)
- F5** S. 16(4)(5) omitted (16.7.2015) by virtue of [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), [Sch. 18 para. 11\(4\)](#); S.R. 2015/307, art. 2(1)(n)

Commencement Information

- I1** S. 16 partly in force; s. 16 in force for certain purposes at Royal Assent see s. 118(2)
- I2** S. 16 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266](#), art. 2, [Sch. Pt. 1](#)

Automatic enrolment schemes

17.—(1) A pension scheme is an automatic enrolment scheme in relation to a jobholder (J) if—

- (a) it is a qualifying scheme in relation to J,
- (b) it satisfies the conditions in subsection (2), and
- (c) it satisfies any further conditions prescribed.

(2) The conditions mentioned in subsection (1)(b) are that—

- (a) no provision of the scheme prevents the employer from making arrangements prescribed under section 3(2), 5(2) or 7(4) for J to become an active member of the scheme;

Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Cross Heading: Qualifying schemes and automatic enrolment schemes is up to date with all changes known to be in force on or before 09 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*

- (b) no provision of the scheme requires J to express a choice in relation to any matter, or to provide any information, in order to remain an active member.

Commencement Information

- I3** S. 17 partly in force; s. 17 in force for certain purposes at Royal Assent see s. 118(2)
I4 S. 17 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266, art. 2, Sch. Pt. 1](#)

Occupational pension schemes

18 For the purposes of this Part, each of these is an occupational pension scheme—

- (a) an occupational pension scheme within the meaning of section 1(1) of the Pension Schemes Act that has its main administration in the United Kingdom;
^{F6}(b)
 (c) a pension scheme that is prescribed or is of a prescribed description and that has its main administration elsewhere than in [^{F7}the United Kingdom].

Textual Amendments

- F6** [S. 18\(b\)](#) omitted (31.12.2020) by virtue of [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\)](#), regs. 1, [6\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
F7 Words in [s. 18\(c\)](#) substituted (31.12.2020) by [The Occupational and Personal Pension Schemes \(Amendment etc.\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/193\)](#), regs. 1, [6\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I5** S. 18 partly in force; s. 18 in force for certain purposes at Royal Assent see [s. 118\(2\)](#)
I6 S. 18 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266, art. 2, Sch. Pt. 1](#)

Personal pension schemes

19 For the purposes of this Part, a personal pension scheme is a pension scheme that is not an occupational pension scheme.

Commencement Information

- I7** S. 19 in operation at 30.6.2012 by [S.R. 2012/266, art. 2, Sch. Pt. 2](#)

Changes to legislation:

Pensions (No. 2) Act (Northern Ireland) 2008, Cross Heading: Qualifying schemes and automatic enrolment schemes is up to date with all changes known to be in force on or before 09 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. 24(1)(c) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 39\(2\)\(d\)](#)