



Pensions Act 2008

2008 CHAPTER 30

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

[^{F1}Qualifying earnings and earnings trigger]

Textual Amendments

- F1** Cross-heading preceding s. 13 substituted (3.11.2011 for specified purposes otherwise 3.1.2012) by Pensions Act 2011 (c. 19), ss. 8(2), 38(1)(4); S.I. 2011/3034, art. 3(a)

13 Qualifying earnings

- (1) A person's qualifying earnings in a pay reference period of 12 months are the part (if any) of the gross earnings payable to that person in that period that is—
 - (a) more than [^{F2}£6,240], and
 - (b) not more than [^{F3}£50,270].
- (2) In the case of a pay reference period of less or more than 12 months, subsection (1) applies as if the amounts in paragraphs (a) and (b) were proportionately less or more.
- (3) In this section, “earnings”, in relation to a person, means sums of any of the following descriptions that are payable to the person in connection with the person's employment—
 - (a) salary, wages, commission, bonuses and overtime;
 - (b) statutory sick pay under Part 11 of the Social Security Contributions and Benefits Act 1992 (c. 4);

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- (c) statutory maternity pay under Part 12 of that Act;
- (d) [^{F4}statutory paternity pay] under Part 12ZA of that Act;
- (e) statutory adoption pay under Part 12ZB of that Act;
- [^{F5}(ea) statutory shared parental pay under Part 12ZC of that Act;]
- [^{F6}(eb) statutory parental bereavement pay under Part 12ZD of that Act;]
- (f) sums prescribed for the purposes of this section.

Textual Amendments

- F2** Sum in s. 13(1)(a) substituted (6.4.2020) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2020 \(S.I. 2020/372\)](#), arts. 1(2), **2**
- F3** Sum in s. 13(1)(b) substituted (6.4.2021) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2021 \(S.I. 2021/314\)](#), arts. 1(2), **2**
- F4** Words in s. 13(3)(d) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 74(a)**; S.I. 2014/1640, art. 7(oo) (with art. 16)
- F5** S. 13(3)(ea) inserted (1.12.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 74(b)**; S.I. 2014/1640, art. 5(2)(dd)
- F6** S. 13(3)(eb) inserted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018 \(c. 24\)](#), s. 2(2), **Sch. para. 55**; S.I. 2020/45, reg. 2

Modifications etc. (not altering text)

- C1** S. 13 modified (6.4.2019) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2019 \(S.I. 2019/374\)](#), arts. 1(2), **3**
- C2** S. 13(2) modified (15.6.2012) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2012 \(S.I. 2012/1506\)](#), **art. 3**
- C3** S. 13(2) modified (6.4.2013) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2013 \(S.I. 2013/667\)](#), arts. 1(1), **3**
- C4** S. 13(2) modified (6.4.2014) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2014 \(S.I. 2014/623\)](#), **art. 3**
- C5** S. 13(2) modified (6.4.2015) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2015 \(S.I. 2015/468\)](#), arts. 1(1), **3**
- C6** S. 13(2) modified (6.4.2016) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2016 \(S.I. 2016/435\)](#), arts. 1(1), **3**
- C7** S. 13(2) modified (6.4.2017) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2017 \(S.I. 2017/394\)](#), arts. 1(1), **3**
- C8** S. 13(2) modified (6.4.2018) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2018 \(S.I. 2018/367\)](#), arts. 1(1), **3**
- C9** S. 13(2) modified (6.4.2020) by [The Automatic Enrolment \(Earnings Trigger and Qualifying Earnings Band\) Order 2020 \(S.I. 2020/372\)](#), arts. 1(2), **3**

Commencement Information

- I1** S. 13 wholly in force at 30.6.2012; s. 13 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 13 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**

[^{F7}14 Review of earnings trigger and qualifying earnings band

- (1) The Secretary of State must in each tax year consider whether any of the amounts in sections 3(1)(c), 5(1)(c) and 13(1)(a) and (b) should be increased or decreased.

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- (2) If the Secretary of State considers that any of those amounts should be increased or decreased, the Secretary of State may make an order substituting in the provisions in question the amounts that the Secretary of State thinks appropriate.
- (3) For the purposes of subsection (1) the Secretary of State may take into account any of the factors specified in subsection (4) (as well as any others that the Secretary of State thinks relevant).
- (4) The factors are—
 - (a) the amounts for the time being specified in Chapter 2 of Part 3 (personal allowances) of the Income Tax Act 2007;
 - (b) the amounts for the time being specified in regulations under section 5 of the Social Security Contributions and Benefits Act 1992 (earnings limits and thresholds for Class 1 national insurance contributions);
 - (c) [^{F8}the amounts for the time being specified in section 44(4) of that Act (rate of basic state pension) and in regulations under section 3(1) of the Pensions Act 2014 (full rate of state pension);]
 - (d) the general level of prices in Great Britain, and the general level of earnings there, estimated in such manner as the Secretary of State thinks fit.]

Textual Amendments

- F7** S. 14 substituted (3.11.2011 for specified purposes otherwise 3.1.2012) by [Pensions Act 2011 \(c. 19\), ss. 8\(1\), 38\(1\)\(4\); S.I. 2011/3034, art. 3\(a\)](#)
- F8** S. 14(4)(c) substituted (6.4.2016 art. 1(2)) by [The Pensions Act 2014 \(Consequential and Supplementary Amendments\) Order 2016 \(S.I. 2016/224\), art. 7](#)
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Commencement Information

- I2** S. 14 wholly in force at 6.3.2012; s. 14 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 14 in force so far as not already in force on 6.3.2012 by [S.I. 2012/683, art. 2\(1\)](#)

15 Pay reference period

- (1) In relation to any person a pay reference period is the period prescribed.
- (2) The Secretary of State may by regulations—
 - (a) make provision for determining a person's earnings in any pay reference period;
 - (b) make provision for determining the first date of each pay reference period in relation to a person.
- (3) A reference in any provision to the relevant pay reference period is a reference to the period determined in accordance with regulations under this section, as they apply for the purposes of that provision in the case concerned.

Commencement Information

- I3** S. 15 wholly in force at 30.6.2012; s. 15 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 15 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](#)

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[^{F9}15A Power to specify rounded figures

- (1) The Secretary of State may by order specify rounded figures for the purposes of section 3(6B), 5(7B) or 13(2) in the case of pay reference periods of any length specified in the order.
- (2) A rounded figure so specified applies in place of the amount that would otherwise apply (“the exact amount”).
- (3) The Secretary of State must decide in relation to any particular amount whether to specify—
 - (a) a figure that is a whole number of pounds, or
 - (b) a figure that is divisible by 10 pence, or
 - (c) a figure that includes a whole number of pennies.
- (4) It is for the Secretary of State to decide whether to round any particular amount up or down.

Accordingly, a figure specified under this section may be the figure within paragraph (a) or (b) or (c) of subsection (3) that is closest to the exact amount or the one that is next closest to it (or, if two figures are joint closest, it may be either of those).]

Textual Amendments

F9 S. 15A inserted (3.11.2011 for specified purposes otherwise 6.3.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 9](#), 38(1)(4); [S.I. 2012/682](#), [art. 2\(a\)](#)

Commencement Information

I4 S. 15A expressed to come into force so far as not already in force on 7.3.2012 by [S.I. 2012/683](#), [art. 2\(2\)\(a\)](#)

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