



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

#### CHAPTER 1

#### EMPLOYERS' DUTIES

*[<sup>F1</sup>Qualifying earnings and earnings trigger]*

### 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 [<sup>F1</sup>£6,240], and
  - (b) not more than [<sup>F2</sup>£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);
  - (c) statutory maternity pay under Part 12 of that Act;
  - (d) [<sup>F3</sup>statutory paternity pay] under Part 12ZA of that Act;
  - (e) statutory adoption pay under Part 12ZB of that Act;
  - [<sup>F4</sup>(ea) statutory shared parental pay under Part 12ZC of that Act;]
  - [<sup>F5</sup>(eb) statutory parental bereavement pay under Part 12ZD of that Act;]

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*Changes to legislation: Pensions Act 2008, Section 13 is up to date with all changes known to be in force on or before 20 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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(f) sums prescribed for the purposes of this section.

#### Textual Amendments

- F1** 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**
- F2** 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**
- F3** 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)
- F4** 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)
- F5** 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**

**Changes to legislation:**

Pensions Act 2008, Section 13 is up to date with all changes known to be in force on or before 20 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\(5\)\(b\)](#)