



# Pensions Act 2011

## 2011 CHAPTER 19

### PART 2

#### AUTOMATIC ENROLMENT

#### **4 Automatic re-enrolment where scheme membership interrupted**

(1) In section 2 (continuity of scheme membership) of the Pensions Act 2008 (“the 2008 Act”) for subsection (3) substitute—

“(3) Subsection (1) is not contravened if by virtue of section 5 the jobholder becomes an active member of an automatic enrolment scheme with effect from—

- “(a) the day after the cessation referred to in paragraph (a) or (b) of subsection (1), or
- (b) a day within the prescribed period (if a period is prescribed).”

(2) In section 5 of the 2008 Act (automatic re-enrolment) after subsection (1) insert—

“(1A) This section also applies to a jobholder who—

- (a) is aged at least 22,
- (b) has not reached pensionable age, and
- (c) is not an active member of a qualifying scheme because there has been a period beginning at any time after the jobholder’s automatic enrolment date during which the requirements of section 1(1)(a) or (c) were not met (so that the person was not a jobholder for that period).

(1B) This section also applies to a jobholder who has ceased to be an active member of a qualifying scheme because of something other than an action or omission by the jobholder.”

(3) For subsection (4) of that section substitute—

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*Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2011, Section 4. (See end of Document for details)*

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- “(4) Regulations may provide for subsection (2) not to apply in relation to a jobholder who in prescribed circumstances—
- (a) has ceased to be an active member of a qualifying scheme because of any action or omission by the jobholder, or by the employer at the jobholder's request, or
  - (b) is treated as not being an active member of a qualifying scheme because the jobholder has given notice under section 8.”
- (4) In subsection (8) of that section omit “, after the automatic enrolment date,”.
- (5) In section 6 of the 2008 Act (timing of automatic re-enrolment) in subsection (4)—
- (a) in paragraph (a) omit “at any time after the jobholder's automatic enrolment date,”;
  - (b) in that paragraph omit “or a qualifying scheme of which the jobholder is an active member ceases to be such a scheme”;
  - (c) in paragraph (b) omit “or the employer”;
  - (d) in paragraph (c) for “time” substitute “ event ”.
- (6) In section 54 of the 2008 Act (inducements)—
- (a) in subsection (1)(a) for “within the period prescribed under section 2(3)” substitute “with effect from—
    - (i) the day after the membership is given up, or
    - (ii) a day within the prescribed period (if a period is prescribed)”;
  - (b) in subsection (1)(b) for “within the period prescribed under section 2(3)” substitute “with effect from—
    - (i) the day on which the jobholder became an active member of the scheme to which the notice relates, or
    - (ii) a day within the prescribed period (if a period is prescribed)”.

**Commencement Information**

- I1** Pt. 2 (ss. 4-18) partly in force; Pt. 2 (ss. 4-18) in force at 3.11.2011 in so far as it confers power to make subordinate legislation see s. 38(1).
- I2** S. 4 in force at 30.6.2012 in so far as not already in force by S.I. 2012/1681, art. 2(1)(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Pensions Act 2011, Section 4.