



Pensions Act 2014

2014 CHAPTER 19

PART 6

PRIVATE PENSIONS

Automatic enrolment

38 Automatic enrolment: powers to create general exceptions

- (1) In section 10 of the Pensions Act 2008 (information to be given to workers)—
- (a) in subsection (1)—
 - (i) for “must” substitute “ may ”;
 - (ii) in paragraphs (a) and (b), omit “all”;
 - (b) in subsection (2) for “must state” substitute “ may in particular make provision about ”.
- (2) In Chapter 8 of Part 1 of the Pensions Act 2008, before section 88 (and the heading “Workers” above it) insert—

“Exceptions

87A Power to create exceptions from the employer duties etc

- (1) The Secretary of State may by regulations provide for exceptions to the employer duties; and an exception may in particular—
- (a) turn an employer duty into a power;
 - (b) be framed by reference to a description of worker, particular circumstances or in some other way.
- (2) But the regulations may not provide for an exception for employers of a particular size.

Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2014, Section 38. (See end of Document for details)

- (3) Regulations which make provision under subsection (1)(a) may make provision modifying this Part or regulations made under it in connection with that provision.
 - (4) The regulations may make provision in connection with the coming to an end of the state of affairs that caused an exception to apply, including provision—
 - (a) modifying this Part or regulations made under it in relation to a person;
 - (b) for the purpose of putting a person, wholly or partly, in the position he or she would have been in if the exception had never applied.
 - (5) In this section “employer duties” means any duty of an employer under any provision of sections 2 to 11 and 54 or of regulations made under those sections.”
- (3) In consequence of subsection (2), the following are repealed—
- (a) section 292A of the Pensions Act 2004;
 - (b) section 5(4) of the Pensions Act 2008;
 - (c) section 18 of the Pensions Act 2011.

Commencement Information

II S. 38 in force at 11.9.2014 by [S.I. 2014/2377](#), [art. 2\(1\)\(a\)\(i\)\(2\)\(c\)](#)

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