



Pensions Act 2008

2008 CHAPTER 30

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Employers' duties

8 Jobholder's right to opt out

- (1) This section applies on any occasion when arrangements under section 3(2), 5(2) or 7(3) apply to a jobholder (arrangements for the jobholder to become an active member of an automatic enrolment scheme).
- (2) If the jobholder gives notice under this section—
 - (a) the jobholder is to be treated for all purposes as not having become an active member of the scheme on that occasion;
 - (b) any contributions paid by the jobholder, or by the employer on behalf or in respect of the jobholder, on the basis that the jobholder has become an active member of the scheme on that occasion must be refunded in accordance with prescribed requirements.
- (3) Regulations under subsection (2)(b) may, in particular, make provision about—
 - (a) the time within which contributions must be refunded;
 - (b) how the amount to be refunded is calculated;
 - (c) the procedure for refunding contributions.
- (4) The Secretary of State may by regulations make further provision in relation to notices under this section.

Changes to legislation: *Pensions Act 2008, Section 8 is up to date with all changes known to be in force on or before 20 March 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*

- (5) The regulations may in particular make provision—
- (a) as to the form and content of a notice;
 - (b) as to the period within which a notice must be given;
 - (c) as to the person to whom a notice must be given;
 - (d) requiring any person to make prescribed arrangements for enabling notices to be given;
 - (e) requiring any person to take prescribed action in consequence of a notice (in addition to any action prescribed under subsection (2)(b)).
- (6) The regulations must provide for the notice—
- (a) to include information about the effect in relation to jobholders of giving notice under this section, and
 - (b) to be signed or otherwise authorised by the jobholder.

Commencement Information

- II** S. 8 wholly in force at 30.6.2012; s. 8 in force for certain purposes at Royal Assent see s. 149(2)(k); s. 8 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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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\(5\)\(b\)](#)