

Status: Point in time view as at 31/12/2023.

Changes to legislation: Pensions (No. 2) Act (Northern Ireland) 2008, Section 71 is up to date with all changes known to be in force on or before 16 September 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)



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 7

APPLICATION AND INTERPRETATION

Workers

Agency workers

- 71.—**(1) This section applies to an individual (“the agency worker”)—
- (a) who is supplied by a person (“the agent”) to do work for another person (“the principal”) under a contract or other arrangements made between the agent and the principal,
 - (b) who is not, as respects that work, a worker, because of the absence of a worker's contract between the individual and the agent or the principal, and
 - (c) who is not a party to a contract under which the agency worker undertakes to do the work for another party to the contract whose status is, by virtue of the contract, that of a client or customer of a profession or business undertaking carried on by the individual.
- (2) Where this section applies, the other provisions of this Part have effect—
- (a) as if there were a worker's contract for the doing of the work by the agency worker, made between the agency worker and the relevant person under subsection (3), and
 - (b) as if that person were the agency worker's employer.

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- (3) The relevant person is—
- (a) whichever of the agent and the principal is responsible for paying the agency worker in respect of the work, or
 - (b) if neither the agent nor the principal is responsible for doing so, whichever of them pays the agency worker in respect of the work.

Modifications etc. (not altering text)

- C1** S. 71 applied by 1993 c. 49, s. 119(2A) (as inserted (16.7.2015) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), **ss. 41(2)(c)**, 53(1); S.R. 2015/307, **art. 2(1)(f)**)
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Commencement Information

- II** S. 71 in operation at 30.6.2012 by S.R. 2012/266, **art. 2, Sch. Pt. 2**

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