



2008 CHAPTER 13

PART 1

PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

CHAPTER 1

EMPLOYERS' DUTIES

Miscellaneous

^{F1}Effect of freezing order [^{F2}, assessment period or pause order]

31.—(1) Where a jobholder is an active member of a qualifying scheme and a freezing event occurs in relation to the scheme, the jobholder does not, for the purposes of this Chapter, cease to be an active member of the scheme, and the scheme does not, for those purposes, cease to be a qualifying scheme, by virtue of any relevant provision.

(2) Where a worker is an active member of a scheme that satisfies the requirements of section 9 and a freezing event occurs in relation to the scheme, the worker does not, for the purposes of section 9(1)(c), cease to be an active member of the scheme by virtue of any relevant provision.

(3) In this section—

“freezing event” in relation to a scheme means—

- (a) the making of a freezing order under Article 19 of the Pensions (Northern Ireland) Order 2005 (NI 1) (in this Act referred to as “the 2005 Order”) in relation to the scheme, ^{F3} ...
- (b) the beginning of an assessment period within the meaning of Article 116 of that Order in relation to the scheme [^{F4}, or

Changes to legislation: Pensions (No. 2) Act (Northern Ireland) 2008, Section 31 is up to date with all changes known to be in force on or before 21 May 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

- (c) the making of a pause order under section 95 of the Pension Schemes Act 2021;]^{F5}, or
 - (d) the making of a pause order under section 31 of the Pension Schemes Act (Northern Ireland) 2021;]
- “relevant provision” means—
- (a) in relation to a freezing order, provision contained in the order, or the provision made with respect to the order by Article 19 of the 2005 Order;
 - (b) in relation to an assessment period, the provision made with respect to the period by Article 117 of that Order.
 - (c) [^{F6}in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 95 of the Pension Schemes Act 2021.]
 - (d) [^{F7}in relation to a pause order, provision contained in the order or the provision made with respect to the order by section 31 of the Pension Schemes Act (Northern Ireland) 2021.]

Textual Amendments

- F1** Words in s. 31 heading substituted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(2)**; S.R. 2022/197, art. 3(a)
- F2** Words in s. 31 heading substituted (11.2.2021 for specified purposes) by Pension Schemes Act 2021 (c. 1), s. 131(2)(a)(3)(a), **Sch. 6 para. 22(2)** and (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 20(c)**; S.R. 2022/110, art. 2(a)(b)
- F3** Word in s. 31(3) omitted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by virtue of Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(3)(a)(i)**; S.R. 2022/197, art. 3(a)
- F4** Words in s. 31(3) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(3)(a)(ii)**; S.R. 2022/197, art. 3(a)
- F5** Words in s. 31(3) added (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 20(a)**; S.R. 2022/110, art. 2(a)(b)
- F6** Words in s. 31(3) inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in operation) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 6 para. 22(3)(b)**; S.R. 2022/197, art. 3(a)
- F7** Words in s. 31(3) added (16.3.2022 for specified purposes, 6.4.2022 in so far as not already in operation) by Pension Schemes Act (Northern Ireland) 2021 (c. 6), s. 44(2), **Sch. 3 para. 20(b)**; S.R. 2022/110, art. 2(a)(b)

Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Section 31 is up to date with all changes known to be in force on or before 21 May 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*

Commencement Information

II S. 31 in operation at 30.6.2012 by [S.R. 2012/266](#), art. 2, [Sch. Pt. 2](#)

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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. 24(1)(c) inserted by [2016 c. 1 \(N.I.\) Sch. 2 para. 39\(2\)\(d\)](#)