



## 2008 CHAPTER 13

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

##### CHAPTER 1

##### EMPLOYERS' DUTIES

###### *Miscellaneous*

#### **<sup>F1</sup>Power of trustees [<sup>F2</sup>or managers] to modify by resolution**

**32.—**(1) The trustees [<sup>F3</sup>or managers] of an occupational pension scheme may by resolution modify the scheme—

- (a) with a view to enabling the scheme to comply with the conditions in section 17(2), or
  - (b) by increasing the amount required to be paid in contributions in order for the scheme [<sup>F4</sup>to satisfy—
    - (i) the requirements contained in section 20(1),
    - (ii) those requirements as modified under section 24(1)(a), or
    - (iii) a requirement prescribed under section 28(2)(b).]
- (2) An increase under subsection (1)(b) may be made only—
- (a) by increasing the amount of any contribution, directly or by modifying the basis on which it is calculated, or
  - (b) by increasing the frequency of any contributions.

(3) No modification may be made by virtue of subsection (1) without the consent of the employer in relation to the scheme.

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**Changes to legislation:** *Pensions (No. 2) Act (Northern Ireland) 2008, Section 32 is up to date with all changes known to be in force on or before 23 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*

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(4) In the application of subsection (3) to a scheme in relation to which there is more than one employer, references to the employer have effect as if they were references to a person nominated by the employers, or by the scheme, to act as the employers' representative for the purposes of this section or, if no such nomination is made, to all of the employers.

(5) Regulations may provide that this section does not apply to occupational pension schemes within a prescribed class or description.

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#### **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. 32 heading inserted (30.6.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), ss. 17, 34\(3\)](#); [S.R. 2012/265, art. 2\(2\)\(b\)](#)
- F3** Words in s. 32(1) inserted (30.6.2012) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), ss. 17, 34\(3\)](#); [S.R. 2012/265, art. 2\(2\)\(b\)](#)
- F4** Words in s. 32(1)(b) substituted (2.6.2012 for specified purposes, 7.6.2012 in so far as not already in operation) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\), ss. 13\(7\), 34\(1\)\(3\)](#); [S.R. 2012/233, art. 2\(1\)\(b\)](#)

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#### **Commencement Information**

- I1** S. 32 partly in force; s. 32 in force for certain purposes at Royal Assent see [s. 118\(2\)](#)
- I2** S. 32 in operation at 30.6.2012 in so far as not already in operation by [S.R. 2012/266, art. 2, Sch. Pt. 1](#)

**Changes to legislation:**

Pensions (No. 2) Act (Northern Ireland) 2008, Section 32 is up to date with all changes known to be in force on or before 23 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.

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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\(2\)\(d\)](#)