



2015 CHAPTER 5

PART 6

PRIVATE PENSIONS

Automatic enrolment

Automatic enrolment: powers to create general exceptions

37.—(1) In section 10 of the Pensions (No. 2) Act (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 7 of Part 1 of the Pensions (No. 2) Act, before section 70 (and the heading “Workers” above it) insert—

“Exceptions

69A Power to create exceptions from the employer duties etc.

(1) The Department 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.

(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(3) In consequence of subsection (2), the following are repealed—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) Article 268A of the Pensions (Northern Ireland) Order 2005 (in this Act referred to as “the 2005 Order”);

(b) section 5(4) of the Pensions (No. 2) Act;

(c) section 19 of the Pensions Act (Northern Ireland) 2012.