



# Welfare Reform and Pensions Act 1999

## 1999 CHAPTER 30

### PART I

#### STAKEHOLDER PENSION SCHEMES

#### **3 Duty of employers to facilitate access to stakeholder pension schemes.**

(1) Except in so far as regulations otherwise provide, it shall be the duty of an employer of relevant employees to comply with [<sup>F1</sup>the requirement in subsection (5)].

[<sup>F2</sup>(1A) A relevant employee, in relation to an employer, is an employee of the employer who, on the relevant date, satisfies the conditions in subsection (1B).

(1B) The conditions are that—

- (a) the employee is a member of a stakeholder pension scheme;
- (b) the employee made a request under subsection (5) before the relevant date and that request has not been withdrawn;
- (c) the employee pays contributions (which are deducted in accordance with that request) to the scheme at regular intervals;
- (d) at least one deduction has been made before the relevant date in accordance with that request.

(1C) A person ceases to be a relevant employee—

- (a) on ceasing to be employed by the employer;
- (b) on withdrawing a request under subsection (5);
- (c) on ceasing to pay contributions at regular intervals.]

<sup>F3</sup>(2) .....

<sup>F3</sup>(3) .....

<sup>F3</sup>(4) .....

(5) The <sup>F4</sup>... requirement is that, subject to such exceptions and qualifications as may be prescribed, the employer shall, if he is requested to do so by a relevant employee <sup>F5</sup>...—

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- (a) deduct the employee’s contributions to the [<sup>F6</sup>stakeholder pension scheme] from his remuneration; and
- (b) pay them to the trustees or managers of the scheme or, if regulations so provide, to a prescribed person.

[<sup>F7</sup>(5A) That requirement only applies in relation to a request to make deductions made before the relevant date (whether or not that request is varied after that date).]

<sup>F8</sup>(6) .....

(7) Section 10 of the 1995 Act (civil penalties) applies to an employer who fails to comply with [<sup>F9</sup>the requirement] set out above.

(8) An employer is not, [<sup>F10</sup>while subject to the requirement in subsection (5)], under any duty—

- (a) to make any enquiries, or act on any information, about the scheme for any purpose not connected with—
  - (i) ascertaining whether the scheme is for the time being registered under section 2,
  - <sup>F11</sup>(ii) .....
  - <sup>F12</sup>(iii) .....
- (b) in particular, to investigate or monitor, or make any judgment as to, the past, present or future performance of the scheme.

(9) In this section—

“employer” means any employer, whether or not resident or incorporated in any part of the United Kingdom;

[<sup>F13</sup> “ relevant date ” means the date on which section 87 of the Pensions Act 2008 comes into force. ]

<sup>F14</sup>  
...

<sup>F15</sup>  
...

#### Textual Amendments

- F1** Words in s. 3(1) substituted (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(3)**, 149(1); S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F2** S. 3(1A)-(1C) inserted (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(4)**, 149(1); S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F3** S. 3(2)-(4) repealed (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(5)**, 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F4** Words in s. 3(5) repealed (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(6)(a)**, 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F5** Words in s. 3(5) repealed (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(6)(b)**, 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F6** Words in s. 3(5)(a) substituted (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(6)(c)**, 149(1); S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F7** S. 3(5A) inserted (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(7)**, 149(1); S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F8** S. 3(6) repealed (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(8)**, 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, [art. 2](#) (with [art. 3](#))
- F9** Words in s. 3(7) substituted (1.10.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 87(9)**, 149(1); S.I. 2012/2480, [art. 2](#) (with [art. 3](#))

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- F10** Words in s. 3(8) substituted (1.10.2012) by Pensions Act 2008 (c. 30), **ss. 87(10)(a)**, 149(1); S.I. 2012/2480, art. 2 (with art. 3)
- F11** S. 3(8)(a)(ii) repealed (1.10.2012) by Pensions Act 2008 (c. 30), ss. 87(10)(b), 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, art. 2 (with art. 3)
- F12** S. 3(8)(a)(iii) repealed (1.10.2012) by Pensions Act 2008 (c. 30), ss. 87(10)(b), 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, art. 2 (with art. 3)
- F13** Words in s. 3(9) inserted (1.10.2012) by Pensions Act 2008 (c. 30), ss. 87(11), 149(1), **Sch. 11**; S.I. 2012/2480, art. 2 (with art. 3)
- F14** Words in s. 3(9) repealed (1.10.2012) by Pensions Act 2008 (c. 30), ss. 87(12)(a), 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, art. 2 (with art. 3)
- F15** Words in s. 3(9) repealed (1.10.2012) by Pensions Act 2008 (c. 30), ss. 87(12)(b), 149(1), **Sch. 11 Pt. 1**; S.I. 2012/2480, art. 2 (with art. 3)

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#### **Commencement Information**

- I1** S. 3 wholly in force at 8.10.2001; s. 3 in force for certain purposes at Royal Assent see s. 89(1)(5); s. 3(1)(2)(7)(9) in force for certain purposes and s. 3(6)(8) in force at 6.4.2001 insofar as not already in force and s. 3 in force at 8.10.2001 insofar as not already in force by S.I. 2001/933, **arts. 5, 6**

**Status:**

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**Changes to legislation:**

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