



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

#### CHAPTER 1

#### EMPLOYERS' DUTIES

#### *Miscellaneous*

- 31 Effect of freezing order [<sup>F1</sup>or assessment period][<sup>F1</sup>, assessment period or pause order]**
- (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 section 23 of the Pensions Act 2004 (c. 35) in relation to the scheme, or
      - (b) the beginning of an assessment period within the meaning of section 132 of that Act in relation to the scheme [<sup>F2</sup>, or
      - (c) the making of a pause order under section 31 of the Pension Schemes Act 2017];

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*Status: Point in time view as at 05/09/2018. This version of this provision has been superseded.*

*Changes to legislation: Pensions Act 2008, Section 31 is up to date with all changes known to be in force on or before 30 July 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)*

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“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 section 23 of the Pensions Act 2004;
- (b) in relation to an assessment period, the provision made with respect to the period by section 133 of that Act.
- (c) [<sup>F3</sup>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 2017.]

#### Textual Amendments

- F1** Words in s. 31 heading substituted (5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), s. 44(2), [Sch. 3 para. 14\(c\)](#); S.I. 2018/965, reg. 2(a)(b)
- F2** Words in s. 31(3) inserted (5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), s. 44(2), [Sch. 3 para. 14\(a\)](#); S.I. 2018/965, reg. 2(a)(b)
- F3** Words in s. 31(3) inserted (5.9.2018 for specified purposes, 1.10.2018 in so far as not already in force) by [Pension Schemes Act 2017 \(c. 17\)](#), s. 44(2), [Sch. 3 para. 14\(b\)](#); S.I. 2018/965, reg. 2(a)(b)

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