

# **Pensions (Extension of Automatic Enrolment) (No. 2) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Work and Pensions with the consent of Jonathan Gullis, the Member in charge of the Bill, are published separately as Bill 255—EN.



# **Pensions (Extension of Automatic Enrolment) (No. 2) Bill**

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[AS INTRODUCED]

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- 2 Extent, commencement and short title



[AS INTRODUCED]

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# B I L L

TO

Make provision about the extension of pensions automatic enrolment to jobholders under the age of 22; to make provision about the lower qualifying earnings threshold for automatic enrolment; and for connected purposes.

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Automatic enrolment: persons and earnings affected**

- (1) The Pensions Act 2008 is amended as follows.
- (2) In section 3 (automatic enrolment), after subsection (1) insert—
  - “(1A) The Secretary of State may by regulations amend subsection (1)(a) so as to decrease the age for the time being specified in that paragraph.” 5
- (3) In section 5 (automatic re-enrolment), after subsection (1B) insert—
  - “(1C) The Secretary of State may by regulations amend subsections (1)(a) and (1A)(a) so as to decrease either or both of the ages for the time being specified in those paragraphs.”
- (4) After section 13 (qualifying earnings) insert— 10
 

**“13A Qualifying earnings: reduction or removal of lower limit**

  - (1) The Secretary of State may by regulations—
    - (a) amend section 13(1)(a) so as to reduce the amount for the time being specified in that paragraph, or
    - (b) repeal— 15
      - (i) section 9 (workers without qualifying earnings), and
      - (ii) section 13(1)(a).
  - (2) Regulations under subsection (1)(a) may include provision modifying the requirements as to the timing and subject matter of a review under section 14 (review of earnings trigger and qualifying earnings band) as it relates to section 13(1)(a). 20

- (3) Regulations under this section may include such amendments, repeals or revocations of any provision of or under this or any other Act as appear to the Secretary of State to be expedient in consequence of—
- (a) the repeal of sections 9 and 13(1)(a), or
  - (b) the amendment of section 14 (as the case may be).” 5
- (5) In section 143 (orders and regulations)—
- (a) in subsection (5) (statutory instruments subject to affirmative resolution procedure), in paragraph (a), after “section” insert “3(1A), 5(1C), 13A,”;
  - (b) after subsection (5) insert—
- “(6) Before making regulations under section 3(1A), 5(1C) or 13A, the Secretary of State must consult such persons as the Secretary of State considers appropriate. 10
- (7) Where the Secretary of State lays before Parliament a draft of an instrument containing regulations under section 3(1A), 5(1C) or 13A, it must be accompanied by a report by the Secretary of State about the consultation under subsection (6).” 15

## **2 Extent, commencement and short title**

- (1) Section 1(1) and (5) and this section extend to England and Wales, Scotland and Northern Ireland.
- (2) Section 1(2) to (4) extends to England and Wales and Scotland. 20
- (3) Section 1 comes into force on such day or days as the Secretary of State may by regulations made by statutory instrument appoint.
- (4) This section comes into force on the day on which this Act is passed.
- (5) This Act may be cited as the Pensions (Extension of Automatic Enrolment) Act 2023. 25



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*Presented by Jonathan Gullis  
supported by Priti Patel, Sir Robert Buckland,  
Mr Simon Clarke, Brandon Lewis and  
Brendan Clarke-Smith.*

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