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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 109**

**The National Health Service Superannuation Scheme  
etc. (Miscellaneous Amendments) (Scotland) Regulations 2013**

**PART 2**

**AMENDMENT OF THE NATIONAL HEALTH SERVICE  
SUPERANNUATION SCHEME (SCOTLAND) REGULATIONS 2011**

**Amendment of regulation B4**

- 6.** In regulation B4 (opting out of this Section of the scheme)—
- (a) omit paragraphs (2) to (4);
  - (b) for paragraph (5) substitute—
    - “(5) A notice referred to in paragraph (1) takes effect—
      - (a) from the first day of the pay period immediately following its receipt by the employing authority; or
      - (b) where a later date is specified in the notice, from the first day of the pay period following the pay period in which the specified date falls.”;
  - (c) for paragraph (7) substitute—
    - “(7) A person who opts out of this Section of the scheme under paragraph (1) within one month of the date of commencing NHS employment is to be treated as never having been included in this Section of the scheme in respect of that opt out and, if applicable, any contributions made by, or on behalf of, that person before the opt out took effect must be refunded.”;
  - (d) for paragraph (8) substitute—
    - “(8) A notice under paragraph (1) ceases to have effect on the day immediately preceding, as the case may be, the person’s—
      - (a) automatic enrolment date; or
      - (b) automatic re-enrolment date: this does not apply where the notice was given within the period of 12 months immediately preceding that date.”; and
  - (e) after paragraph (9) insert—
    - “(10) This regulation and regulation B5 do not apply to a person to whom section 3, 5 or 8 of the 2008 Act<sup>(1)</sup> and regulation 9 or 15 of the 2010 Regulations<sup>(2)</sup> apply (that is, a

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(1) Section 3 makes provision for the automatic enrolment of a qualifying worker into a qualifying scheme like the NHS Superannuation Scheme for Scotland. Section 5 makes provision for the automatic re-enrolment of such a person into such a scheme who has previously opted out of it. Section 8 makes provision for the opting out of such a scheme, including the effect of such an opt out.

(2) Regulation 9 sets out the requirements for a valid opt out notice and the time period during which a person who has been automatically enrolled into a qualifying scheme may opt out of it. Regulation 15 applies the provisions of regulation 9

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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person who is subject to automatic enrolment or automatic re-enrolment in this Section of the scheme as a qualifying scheme who does not wish to participate in it): this paragraph does not affect the rights of such a person who subsequently becomes a member of this Section of the scheme in circumstances where those provisions of the 2008 Act and 2010 Regulations do not apply.”.

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to a person who has been automatically re-enrolled into a qualifying scheme having previously opted out of it. Note that regulation 11 deals with the refund of contributions following an opt out.