
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 73

**The Health and Personal Social Services (Superannuation),
Health and Social Care (Pension Scheme)
(Amendment) Regulations (Northern Ireland) 2013**

PART 3

**Amendment of the Health and Social Care (Pension
Scheme) Regulations (Northern Ireland) 2008**

Amendment of regulation 25

11.—(1) Regulation 25 (Opting out of this Section of the Scheme), is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1) after “any” insert “HSC”.

(3) For paragraphs (4) to (6) substitute—

“(4) A person to whom paragraph (1)(a) of regulation 24 applies in respect of an employment who gives notice in writing under paragraph (1) of this regulation within one month of the date of commencing that HSC employment, is treated as not having become an active member by virtue of that regulation.

(5) A notice under paragraph (1) shall cease 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 12 months immediately preceding that date.

(6) This regulation does not apply to a person to whom sections 3, 5 or 8 of the 2008 Act⁽¹⁾ and regulations 9 or 15 of the 2010 Regulations⁽²⁾ applies (that is, a 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.”.

(1) Section 3 makes provision for the automatic enrolment of a qualifying worker into a qualifying scheme like the HSC Pension Scheme. 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 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.