
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 117

**The National Health Service Superannuation
Scheme (Scotland) Regulations 2011**

PART B

MEMBERSHIP OF THE SCHEME

Opting out of this Section of the scheme

B4.—(1) A person who does not wish to, or who no longer wishes to, participate in this Section of the scheme may opt out of this Section of the scheme at any time by giving notice in writing to the employing authority.

^{F1}(2)

^{F1}(3)

^{F1}(4)

^{F2}(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.]

(6) Subject to paragraphs (7) [^{F3}to] (8), a member who opts out of this Section of the scheme will be treated as having left pensionable employment on the day the notice takes effect.

^{F4}(7) This paragraph applies if the person opts out of this Section of the scheme in relation to NHS pensionable employment—

- (a) before the end of 3 months after that person's first day of that pensionable employment (or within any longer period the scheme manager considers appropriate); or
- (b) before the end of 3 months after that person's automatic re-enrolment date (or within any longer period the scheme manager considers appropriate).

(7A) Where paragraph (7)(a) applies, the person is taken never to have been in pensionable service in this Section of the scheme.

(7B) Where sub-paragraph (b) of paragraph (7) applies, the person is taken never to have been in pensionable service in this Section of the scheme during the period referred to in that sub-paragraph.]

^{F5}(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.]

(9) A person is not to be treated as having retired from pensionable employment by reason only of having opted out of this Section of the scheme.

[^{F6}(10) This regulation and regulation B5 do not apply to a person to whom section 3, 5 or 8 of the 2008 Act and regulation 9 or 15 of the 2010 Regulations apply (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.]

Textual Amendments

- F1** Reg. B4(2)-(4) omitted (with effect in accordance with reg. 1(6) of the amending S.S.I.) by virtue of [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **6(a)** (with reg. 71)
- F2** Reg. B4(5) substituted (with effect in accordance with reg. 1(6) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **6(b)** (with reg. 71)
- F3** Word in reg. B4(6) substituted (13.3.2017) by [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/27\)](#), regs. 1(1), **4(a)** (with reg. 53)
- F4** Reg. B4(7)-(7B) substituted for reg. B4(7) (13.3.2017) by [The National Health Service Superannuation Scheme \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/27\)](#), regs. 1(1), **4(b)** (with reg. 53)
- F5** Reg. B4(8) substituted (with effect in accordance with reg. 1(6) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **6(d)** (with reg. 71)
- F6** Reg. B4(10) inserted (with effect in accordance with reg. 1(6) of the amending S.S.I.) by [The National Health Service Superannuation Scheme etc. \(Miscellaneous Amendments\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/109\)](#), regs. 1(2), **6(e)** (with reg. 71)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service Superannuation Scheme (Scotland) Regulations 2011, Section B4.