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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 142**

**The Police Pension Scheme (Scotland) Regulations 2015**

**PART 4**

**Scheme membership**

**CHAPTER 2**

**Automatic enrolment**

**Application of Chapter**

**15.** This Chapter applies in relation to a continuous period of eligible service.

**Interpretation of Chapter**

**16.** In this Chapter—

“automatic re-enrolment date”, in relation to a person in eligible service, means a date determined under regulation 12 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010<sup>(1)</sup>;

“continuous period of eligible service” means a period of eligible service disregarding any period not exceeding 5 years in which the person is not in eligible service<sup>(2)</sup>; and

“first day of eligible service” means the first day of a continuous period of eligible service.

**Automatic enrolment**

**17.—**(1) A person (P) begins pensionable service under this scheme on P’s first day of eligible service unless—

- (a) regulation 22 (opting out before the end of the initial period of eligible service) applies; or
- (b) P is a transition member with continuity of service and paragraph (2) applies.

(2) This paragraph applies if—

- (a) P’s first day of eligible service is the day after P’s closing date; and
- (b) on P’s closing date, P had opted out of the existing police pension scheme.

(3) Paragraph (4) applies in relation to a person (P) who is a member of a police force in England and Wales or of the police service in Northern Ireland who becomes a member of the police force.

(4) A person in pensionable service under the 2015 England and Wales police pension scheme or the 2015 NI police pension scheme begins pensionable service under this scheme when P becomes a member of the police force.

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<sup>(1)</sup> [S.I. 2010/772](#); regulation 12 was amended by [S.I. 2012/215](#).

<sup>(2)</sup> See Chapter 1 of this Part. For the purpose of these Regulations, a member of the police force on a period of unpaid leave remains in eligible service.

### **Opting in to this scheme**

**18.**—(1) A person in eligible service who is not in pensionable service under this scheme may opt to become an active member of this scheme in relation to that eligible service.

(2) The option under this regulation may only be exercised by written notice to the scheme manager (“opt-in notice”).

(3) The option under this regulation is taken to be exercised on the date on which the opt-in notice is received by the scheme manager<sup>(3)</sup>.

(4) If P opts out of this scheme within 12 months after opting in, P may not opt in again until after the end of that period of 12 months.

(5) A person who was in pensionable service before beginning a career break or any other period of unpaid leave is taken to re-enter pensionable service when returning from the career break or other period of unpaid leave.

### **When an opt-in takes effect**

**19.** If P opts in to this scheme in relation to eligible service, P becomes an active member of this scheme in relation to that service—

- (a) at the beginning of the first pay period beginning on or after the date on which the option is exercised; or
- (b) if the scheme manager considers that time inappropriate, at any other time the scheme manager considers appropriate.

### **Automatic re-enrolment**

**20.**—(1) This regulation applies if, on the automatic re-enrolment date, a person (P) in eligible service is not in pensionable service under this scheme.

(2) On the automatic re-enrolment date, the scheme manager must enrol P in this scheme in relation to that eligible service if the employer is required under section 5 (automatic re-enrolment) of the Pensions Act 2008<sup>(4)</sup> to make arrangements for P to be an active member of a pension scheme.

(3) For the purpose of paragraph (2), the employer is required to make arrangements under that section even if—

- (a) P has not reached the age of 22;
- (b) P has reached normal pension age under this scheme; or
- (c) the earnings requirements under that section are not met.

### **Opting out of this scheme**

**21.**—(1) A person (P) opts out of this scheme in relation to eligible service if P opts not to be an active member of this scheme in relation to that service.

(2) P may only exercise the option under paragraph (1) by written notice to the scheme manager (“opt-out notice”).

(3) The option is taken to be exercised on the date on which the opt-out notice is received by the scheme manager.

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<sup>(3)</sup> See regulation 19 for when an opt-in has effect.

<sup>(4)</sup> 2008 c. 30. Section 5 was amended by the Pensions Act 2011 (c. 19), sections 4(2), (3) and (4), 5(3) and (4) and 6(3).

### **Opting out before the end of the initial period of eligible service**

**22.**—(1) This regulation applies if a person (P) opts out of this scheme in relation to eligible service—

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

(2) If paragraph (1)(a) applies, P is taken never to have been in pensionable service under this scheme in relation to that eligible service.

(3) If paragraph (1)(b) applies, P is taken not to have been in pensionable service under this scheme during the period referred to in paragraph (1)(b).

(4) This regulation does not require the scheme manager to pay P any additional amount which becomes payable by P in respect of national insurance contributions because P has not after all been an active member of this scheme during any period.

### **Opting out after the initial period of eligible service**

**23.**—(1) This regulation applies if—

- (a) regulation 22 (opting out before the end of the initial period of eligible service) does not apply; and
- (b) a person (P) opts out of this scheme in relation to eligible service—
  - (i) 3 months or more after P's first day of eligible service; or
  - (ii) 3 months or more after P's automatic re-enrolment date.

(2) If P exercises the option under paragraph (1)(b), P ceases to be in pensionable service under this scheme—

- (a) on the first day of the first pay period beginning on or after the date on which the option is exercised; or
- (b) if the scheme manager considers that day inappropriate, on the first day of any later pay period the scheme manager considers appropriate.