
STATUTORY INSTRUMENTS

1997 No. 3048

**The Local Government Superannuation
(Scotland) Amendment (No.4) Regulations 1997**

Opting into pensionable employment

7. Before regulation B4A there shall be inserted—

“Opting into pensionable employment

B4.—(1) Subject to paragraphs (2) to (6), an eligible employee (including a person who is about to take up employment in which he will be an eligible employee) who was not a pensionable employee immediately before 1st April 1998 shall, if he wishes to become a pensionable employee, apply to do so by notice given in writing to his employer or future employer.

(2) Subject to paragraph (3), a person commencing employment on or after 1st April 1998 who is entitled to make an application under paragraph (1) is deemed to have made an application to become a pensionable employee unless, before commencing his employment, he notifies his employer in writing that he does not wish to become a pensionable employee.

(3) Paragraph (2) does not apply to a person whose employment is of a casual nature.

(4) Where a person who has ceased to be employed in an employment in which he was a pensionable employee at the time of cessation commences a new employment in which he is an eligible employee, he is deemed to have made an application to become a pensionable employee unless, before commencing his new employment, he notified his employer in writing that he did not wish to be a pensionable employee.

(5) An application under this regulation may be withdrawn at any time before the applicant becomes a pensionable employee.

(6) If an eligible employee is in two or more employments under a single scheduled body, an application under paragraph (1) in respect of any one of them is of no effect unless applications are made in respect of all of them.

Effective date of becoming a pensionable employee

B4ZA.—(1) An eligible employee who has or is deemed to have applied under regulation B4 shall become a pensionable employee on the appropriate day.

(2) In this regulation, “the appropriate day” means—

- (a) in the case of a person who has applied under regulation B4(1) at least one month before the date on which he commences his employment (or such lesser period before that date as his employer allows), the date on which he commences his employment or such later date as he has specified in his application;
- (b) in any other case where an application is made under that regulation, the first day of the first payment period following the application;

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

- (c) in the case of a person who is deemed to have applied under regulation B4(2) the date on which he commenced his employment.
- (3) In paragraph (2)(b), “payment period” means a period of service to which the employee’s payment of wages or salary relates.”.