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WELSH STATUTORY INSTRUMENTS

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**2015 No. 622**

**The Firefighters' Pension Scheme (Wales) Regulations 2015**

**PART 3**

**Scheme membership**

**CHAPTER 2**

**Pensionable service**

**Application of Chapter**

**18.**—(1) This Chapter applies in relation to a continuous period of service in a scheme employment.

(2) If a person is in service in two or more scheme employments at the same time, this Chapter applies separately in relation to each of the employments (whether or not the employment is with the same authority).

**Interpretation of Chapter**

**19.** In this Chapter—

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

“continuous period of service” (“*cyfnod di-dor o wasanaeth*”), in relation to scheme employment, means a period of service in scheme employment disregarding any gap in service not exceeding five years;

“first eligible day of service” (“*diwrnod cymwys cyntaf o wasanaeth*”) means the day on which a person becomes an eligible person in relation to that service.

**Automatic enrolment**

**20.**—(1) Where a person (P) who is in pensionable service<sup>(2)</sup> under the scheme moves from one scheme employer to another but remains in scheme employment, P continues in pensionable service under the scheme.

(2) A person (P) who is not in pensionable service under the scheme immediately before P’s first eligible day of service in a scheme employment begins pensionable service under this scheme on P’s first eligible day of service in that employment unless—

- (a) regulation 24 (opting out before the end of the first three months) applies; or
- (b) P is a transition member with continuity of service and paragraph (3) applies.

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(1) [S.I. 2010/772](#). Regulation 12 was amended by [S.I. 2012/215](#).

(2) See section 37 of the 2013 Act for the meaning of “pensionable service”.

- (3) This paragraph applies if—
- (a) P’s first eligible day of service in the scheme employment is the day after P’s closing date; and
  - (b) on P’s closing date—
    - (i) P was in service in the same employment, and
    - (ii) P had opted out of the 1992 Scheme or the NFPS, as the case may be, in relation to that service.

### **Opting into this scheme**

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

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

(3) A person who exercises the option under this regulation in relation to service in a scheme employment opts into this scheme in relation to service in that employment with effect from the date on which the opt-in notice is received by the scheme manager.

(4) The option under this regulation is taken to be exercised on that date.

(5) If P opts into this scheme in relation to an employment, P becomes an active member of this scheme in relation to that employment at the beginning of the first pay period beginning after the date on which the option is exercised or at such other time as the scheme manager considers appropriate.

### **Automatic re-enrolment**

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

(2) On the automatic re-enrolment date, the scheme manager must enrol P in this scheme in relation to service in that employment if the employer is required under section 5 of the Pensions Act 2008(3) (automatic re-enrolment) to make arrangements for P to be an active member of a pension scheme.

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

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

(2) P may only exercise the option by notice to the scheme manager in a form required by 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.

### **Opting out before the end of the first three months**

**24.**—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in scheme employment before the end of three months after—

- (a) P’s first day of a continuous period of service in scheme employment; or

(b) the automatic re-enrolment date.

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

(3) If paragraph (1)(b) applies, P is taken not to have been in pensionable service under this scheme in relation to that period of service 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 first three months**

**25.**—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in scheme employment three months or more after P's—

- (a) first day of a continuous period of service in scheme employment; or
- (b) automatic re-enrolment date.

(2) If P exercises the option under paragraph (1)(a) or (b), P ceases to be in pensionable service under this scheme in relation to that continuous period of service in scheme employment—

- (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 which the scheme manager considers appropriate.