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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 256**

**The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008**

**PART 2**

**BENEFITS FOR OFFICERS**

**CHAPTER 2**

**MEMBERSHIP**

*Joining and leaving the Scheme*

**Joining the Scheme**

**24.**—(1) A person entering employment with an employing authority in which the person is eligible to be an active member of the Scheme becomes such a member, unless regulation 25(4) applies (opting out in the first pay period).

(2) A person who is eligible to be such a member by virtue of falling within regulation 21(3)(b) may opt to become such a member by giving notice in writing to the employing authority.

(3) A person who whilst an active member in any employment has exercised the option to opt out of the Scheme under regulation 25(1) and is eligible to be an active member—

(a) in that employment, or

(b) in a later employment to which paragraph (1) does not apply because of regulation 25(5), may opt to become an active member in the employment in which the member is eligible to be such a member by giving notice in writing to the employing authority in such form as the Department requires.

(4) A notice under paragraph (3) takes effect—

(a) from the beginning of the first pay period to begin after the notice is received by the employing authority, or

(b) if the notice specifies a date that is the first day of a later pay period, from that date.

(5) A notice under paragraph (3) may not be given by a person who is absent from work for any reason.

(6) Paragraph (1) is subject to regulation 25(5).

**Opting out of the Scheme**

**25.**—(1) A person who is an active member of the Scheme in any employment may opt at any time to cease to be such a member by giving notice in writing to the person's employing authority.

(2) A person who so opts ceases to be such a member on the date the notice takes effect.

- (3) The notice takes effect—
- (a) from the beginning of the first pay period to begin after the notice is received by the employing authority, or
  - (b) if the notice specifies a later date, from the beginning of the first pay period after that in which the specified date falls.
- (4) A person within regulation 24(1) (automatic membership on entering employment) in respect of an employment who gives notice in writing under paragraph (1) before the end of the person's first pay period in the employment is treated as not having become an active member by virtue of that regulation.
- (5) Regulation 24(1) does not apply to a person entering an employment with an employing authority ("the later employment") if—
- (a) the person has previously given notice under paragraph (1) in respect of an employment with the same authority that has ceased ("the earlier employment"), and
  - (b) either—
    - (i) the period beginning with the day following that on which the earlier employment ceased and ending with the day before the later employment begins, or
    - (ii) the period beginning with the day following that on which a relevant intermediate employment ceased and ending with the day before the later employment begins, is less than 12 months.
- (6) An employment is a relevant intermediate employment for the purposes of paragraph (5) if—
- (a) regulation 24(1) did not apply to the person on entering it because of paragraph (5), and
  - (b) the person did not opt to become a member of the Scheme in that employment under regulation 24(3).

### **Restriction on further participation in the Scheme**

**26.**—(1) A person who ceases to meet any of conditions A to C in regulation 21 in an employment or is prevented by regulation 22 or 23 from continuing to be an active member in an employment must cease to be an active member of the Scheme in that employment.

- (2) Accordingly—
- (a) a person within paragraph (1) may not make any further contributions to the Scheme under Chapter 3, and
  - (b) any further service of the person is not pensionable service for the purposes of the Scheme.