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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 292**

**The Teachers' Pension Scheme  
(Scotland) (No. 2) Regulations 2014**

**PART 3**

**Scheme membership**

**CHAPTER 3**

**Pensionable service**

*SECTION 3*

*Pensionable service on or after automatic enrolment date*

**Pensionable service on or after automatic enrolment date**

**26.**—(1) This Section applies in relation to a person (P) who—

- (a) is eligible to be an active member of this scheme; and
- (b) is in an eligible employment on or after P's automatic enrolment date for that employment.

(2) P is in pensionable service in relation to that employment if the employment is mentioned in Part 2 of Schedule 1 and an opt-out notice under this Section does not have effect in relation to service in that employment.

**Opting out of this scheme after automatic enrolment date**

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

(2) P may only exercise this option by written notice to the scheme manager in a form required by the scheme manager ("opt-out notice").

(3) An opt-out notice has effect as follows—

- (a) if the scheme manager receives the opt-out notice within 3 months after P enters the employment, from the first day of the employment;
- (b) if sub-paragraph (a) does not apply and the scheme manager receives the opt-out notice within 3 months after P's automatic enrolment date for the employment, from P's automatic enrolment date;
- (c) if neither sub-paragraph (a) nor (b) applies and the scheme manager receives the opt-out notice within 3 months after P's automatic re-enrolment date, from P's automatic re-enrolment date;
- (d) otherwise, from the first day of the month after the month in which the scheme manager receives the opt-out notice.

(4) An opt-out notice ceases to have effect from the earlier of—

- (a) the date on which a subsequent opt-in notice has effect in relation to service in that employment; and
- (b) P's automatic enrolment date for that employment.

**Opting into this scheme after automatic enrolment date**

**28.**—(1) A person (P) opts into this scheme in relation to service in an eligible employment if P opts to become an active member of this scheme in relation to service in that employment.

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

(3) P may opt into this scheme in relation to service in an employment if the employment is mentioned in Part 2 of Schedule 1, and P has previously opted out of this scheme in relation to service in that employment.

(4) For an employment mentioned in Part 2 of Schedule 1, an opt-in notice has effect—

- (a) if the scheme manager receives the opt-in notice not later than 3 months after P enters the employment, from the first day of the employment; or
- (b) if sub-paragraph (a) does not apply, from the first day of the month after the month in which the scheme manager receives the opt-in notice.

(5) An opt-in notice ceases to have effect from the date on which a subsequent opt-out notice has effect.