
STATUTORY INSTRUMENTS

1997 No. 3048

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

Opting out of pensionable employment

8. In regulation B4A—

- (a) in paragraph (2) there shall be inserted at the beginning the words “Subject to paragraphs (7) and (8),”;
- (b) paragraph (4) shall be deleted;
- (c) at the end there shall be added—

“(7) Where a person gives notification under paragraph (1) within one month after first becoming a pensionable employee, he shall be treated as never having been a pensionable employee.

(8) Where—

- (a) a person to whom the Local Government Superannuation (Reserve Forces) (Scotland) Regulations 1992(1) apply has given notification under paragraph (1) before ceasing his former employment or beginning his leave of absence in order to perform his relevant service (within the meaning of those Regulations), and
- (b) he is still a pensionable employee immediately before he commences his relevant service,

then, subject to paragraph (9), the notification shall be of no effect.

(9) A person may elect that paragraph (8) is not to apply, by notice given in writing to the appropriate administering authority before the end of the period of 12 months beginning with the end of his relevant service (or within such longer period as they may allow), and they shall take all practicable steps to secure that a person entitled to make such an election is notified of his entitlement.

(10) Any contributions paid by a person with respect to a period during which, by virtue of a notification under paragraph (1), he is not a pensionable employee shall be returned to him.

(11) If an eligible employee is in two or more employments under a single scheduled body, a notification under paragraph (1) in respect of any one of them is of no effect unless notifications are given in respect of all of them.”.