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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 565**

**The Health and Personal Social Services  
(Superannuation Scheme and Injury Benefits)  
(Amendment) Regulations (Northern Ireland) 2005**

**Amendment of regulation 9 of the Superannuation Scheme Regulations**

**6.** Regulation 9 of the Superannuation Scheme Regulations (Opting-out of the Scheme) shall be amended in accordance with the following provisions of this regulation.

(1) For paragraph (2), substitute—

“(1A) Where, following an application under regulation 2A(5) an OOH provider is approved as an employing authority, an employee of such a provider who does not wish to, or who no longer wishes to, participate in the Scheme—

- (a) may opt out of it from any day falling within the period specified in paragraph (1B) by giving notice in writing (“an opt-out notice”) to that provider; and
- (b) will be treated as having left superannuable employment on the date on which that notice takes effect.

(1B) That period—

- (a) starts on the date on which the HPSS employment is treated as commencing under regulation 2A(8); and
- (b) ends on the date on which the opt-out notice is received by the OOH provider.

(1C) A notice referred to in paragraph (1A) must be given no later than one month from the end of the pay period in which the date on which approval of an application under regulation 2A falls.

(2) A notice—

- (a) referred to in paragraph (1) shall take effect—
  - (i) from the first day of the pay period immediately following its receipt by the employing authority; or
  - (ii) where a later date is specified in the notice, from the first day of the period following the pay period in which the specified date falls;
- (b) referred to in paragraph (1A) shall take effect—
  - (i) from the first day of the pay period immediately following its receipt by the employing authority; or
  - (ii) where a date not earlier than the date on which HPSS employment is treated as commencing under regulation 2A(8) is specified in the notice, from that date.

(3) A person—

- (a) who opts-out of the Scheme under paragraph (1) before the end of the pay period during which the employing authority included that person in the Scheme; or
  - (b) whose opt-out under paragraph (1A) takes effect in respect of that period,shall be treated as never having been included in the Scheme.”.
- (2) In paragraph (5) after “opted-out of the scheme”, insert “in accordance with paragraph (1)”.
- (3) After paragraph (5), insert—
  - “(5A) Subject to paragraph (6), a person who has previously opted-out of the Scheme in accordance with paragraph (1A) may, if eligible to do so, join or rejoin the Scheme by giving notice in writing to the employing authority and on doing so shall be included in the Scheme on—
    - (a) the first day of the first pay period after the notice to join or rejoin the Scheme is received; or
    - (b) such other date, being—
      - (i) the first day of a pay period; and
      - (ii) no earlier than the first day of the pay period in which the opt-out notice referred to in paragraph (1A) (or the latest of them) took effect in accordance with paragraph (2),as is specified in that notice.”.