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STATUTORY INSTRUMENTS

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**2008 No. 653**

The National Health Service Pension Scheme Regulations 2008

PART 3

BENEFITS FOR PRACTITIONERS ETC.

CHAPTER 3.B

MEMBERSHIP

*Joining and leaving the Scheme*

**3.B.5 Opting out of the Scheme**

(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 3.B.4(1) in respect of an employment (automatic membership on entering 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 under that regulation.

(5) Regulation 3.B.4(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,
- (c) is less than 12 months.

(6) An employment is a relevant intermediate employment for the purposes of paragraph (5) if—

- (a) regulation 3.B.4(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 3.B.4(3).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(7) A practitioner who opts not to contribute to the scheme in respect of all his employments as a practitioner may, nevertheless, participate in the scheme in respect of concurrent employment as an officer under Part 2.