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STATUTORY INSTRUMENTS

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**2014 No. 1964**

**The Public Service (Civil Servants and  
Others) Pensions Regulations 2014**

**PART 4**

**Scheme membership**

**CHAPTER 2**

**Pensionable service**

**Application of Chapter**

**17.—**(1) This Chapter applies in relation to a continuous period of service in a scheme employment.

(2) If a person is in service in 2 or more scheme employments at the same time, this Chapter applies separately in relation to each of the employments.

**Interpretation of Chapter**

**18.** In this Chapter—

“automatic re-enrolment date”, in relation to a person in service in a scheme employment, means a date determined under regulation 12 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(1);

“continuous period of service”, in relation to scheme employment, means a period of service in scheme employment disregarding any gap in service not exceeding 5 years;

“first eligible day of service”, in relation to a continuous period of service in a scheme employment, means the day on which a person becomes an eligible person in relation to that service.

**Automatic enrolment**

**19.—**(1) Where a person (P) who is in pensionable service under this scheme moves from one scheme employment to another without a gap in service, P continues in pensionable service under this scheme.

(2) A person (P) who is not in pensionable service under this scheme immediately before P’s first eligible day of service in a scheme employment begins pensionable service under this scheme on P’s first eligible day of service in that employment unless—

(a) regulation 24 applies; or

(b) P is a transition member with continuity of service and paragraph (3) applies.

- (3) This paragraph applies if—
- (a) P’s first eligible day of service in the scheme employment is the day after P’s closing date; and
  - (b) on P’s closing date—
    - (i) P was in service in the same employment; and
    - (ii) P had opted out of the PCSPS in relation to that service.

### **Opting into this scheme**

**20.**—(1) A person who, in relation to a scheme employment, is an eligible person but is not in pensionable service under this scheme may opt to become an active member of this scheme in relation to service in that employment.

(2) A person who has a partnership pension account in relation to service in a scheme employment is not prevented from opting into this scheme in relation to service in that employment (see regulation 21 for when the option in takes effect).

(3) The option under this regulation may only be exercised by notice to the scheme manager in a form required by the scheme manager (“opt-in notice”).

(4) A person who exercises the option under this regulation in relation to service in a scheme employment opts into this scheme in relation to service in that employment with effect from the date on which the opt-in notice is received by the scheme manager.

(5) The option under this regulation is taken to be exercised on that date.

(6) If P opts out of this scheme within 12 months after opting in, P may not opt in again until after the end of that period of 12 months.

### **When does an option in take effect**

**21.**—(1) If P opts into this scheme in relation to service in a scheme employment for which P has a partnership pension account—

- (a) P becomes an active member of this scheme in relation to that service on the first date that is 1st April or 1st October—
  - (i) after the period of 3 months beginning with the date on which the option is exercised; or
  - (ii) after any shorter period the scheme manager considers appropriate; and
- (b) immediately before that date, P’s partnership pension account is closed.

(2) If P opts into this scheme in relation to service for which P does not have a partnership pension account, P becomes an active member of this scheme in relation to that service—

- (a) at the beginning of the first pay period beginning on or after the date on which the option is exercised; or
- (b) if the scheme manager considers that pay period inappropriate, at any other time the scheme manager considers appropriate.

### **Automatic re-enrolment**

**22.**—(1) This regulation applies if, on the automatic re-enrolment date, an eligible person in relation to service in a scheme employment is not in pensionable service under this scheme in relation to service in that employment.

(2) On the automatic re-enrolment date, the scheme manager must enrol P in this scheme in relation to service in that employment if the employer is required under section 5 (automatic re-

enrolment) of the Pensions Act 2008(2) to make arrangements for P to be an active member of a pension scheme.

(3) For the purpose of paragraph (2), the employer is required to make arrangements under that section even if—

- (a) P has not reached the age of 22;
- (b) P has reached normal pension age; or
- (c) the earnings requirements under that section are not met.

### **Opting out of this scheme**

**23.**—(1) A person (P) opts out of this scheme in relation to service in a scheme employment if—

- (a) P opts not to be an active member of this scheme in relation to that service; or
- (b) P opens a partnership pension account in relation to that service.

(2) P may only exercise the option under paragraph (1)(a) by notice to the scheme manager in a form required by the scheme manager (“opt-out notice”).

(3) The option is taken to be exercised on the date on which the opt-out notice is received by the scheme manager.

(4) If P is subject to a transfer in relation to that service as a result of which P would be eligible to be (or continue to be eligible to be) a member of the scheme as a Fair Deal eligible person, the option ceases to have effect on the Fair Deal transfer date.

### **Opting out before the end of one month**

**24.**—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in scheme employment—

- (a) before the end of one month after P’s first day of a continuous period of service in scheme employment (or within any longer period the scheme manager considers appropriate); or
- (b) before the end of one month after the automatic re-enrolment date (or within any longer period the scheme manager considers appropriate).

(2) If paragraph (1)(a) applies, P is taken never to have been in pensionable service under this scheme in relation to that continuous period of service in scheme employment.

(3) If paragraph (1)(b) applies, P is taken not to have been in pensionable service under this scheme in relation to that period of service during the period referred to in paragraph (1)(b).

(4) This regulation does not require the scheme manager to pay P any additional amount which becomes payable by P in respect of national insurance contributions because P has not after all been an active member of this scheme during any period.

### **Opting out after one month**

**25.**—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in scheme employment—

- (a) one month or more after P’s first day of a continuous period of service in scheme employment; or
- (b) one month or more after P’s automatic re-enrolment date.

(2) If P exercises the option under paragraph (1)(a) or (b), P ceases to be in pensionable service under this scheme in relation to that continuous period of service in scheme employment—

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(2) 2008 c. 30. Section 5 was amended by the Pensions Act 2011 (c. 19) sections 4(2), (3) and (4), 5(3) and (4) and 6(3).

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- (a) on the first day of the first pay period beginning on or after the date on which the option is exercised; or
  - (b) if the scheme manager considers that day inappropriate, on the first day of any later pay period the scheme manager considers appropriate.
- (3) If P opens a partnership pension account, P ceases to be in pensionable service under this scheme in relation to that employment on the first date that is 31st March or 30th September—
- (a) after the period of one month beginning with the date on which that account is opened; or
  - (b) after any shorter period the scheme manager considers appropriate.