
STATUTORY INSTRUMENTS

1998 No. 366

**The Local Government Pension
Scheme (Scotland) Regulations 1998**

PART II

PRIMARY PROVISIONS

CHAPTER I

MEMBERSHIP

Joining and leaving the Scheme

Joining the Scheme

6.—(1) A person who wishes to become an active member must apply in writing to his employer or future employer.

(2) An eligible person who applies before he begins his employment becomes a member when his employment begins unless he applies to join later.

(3) An eligible employee who applies becomes a member on the first day of the first payment period following the application.

(4) A payment period is a period of service to which the employee's wages or salary payment relate.

(5) An employee is deemed to have applied to become a member, unless he notified his employer in writing that he did not wish to become a member—

- (a) before his employment began; or
- (b) if he only became eligible to be a member later, before the date he became eligible.

(6) Paragraph (5) does not apply to—

- (a) casual employees; or
- (b) former members who opted to leave the Scheme by a notification under regulation 7.

(7) An application for membership may be withdrawn before membership begins.

(8) A former active member may reapply for membership.

(9) Notwithstanding paragraph (8), a person who has given more than one notification under regulation 7 may reapply again only if—

- (a) his employer or future employer consents;
- (b) he is beginning a new employment with a new employing authority and he reapplies before he has been employed for three months; or
- (c) he is an individual who during any period has been eligible to be a member but has instead made contributions to a personal pension scheme and has suffered loss as a result of a

contravention which is actionable under section 62 of the Financial Services Act 1986⁽¹⁾ (actions for damages in respect of contravention of rules etc. made under the Act).

Leaving the Scheme

7.—(1) A person may leave the Scheme if he wishes and stops being a member if he stops being eligible for membership.

(2) A person who wishes to leave the Scheme must notify his employer in writing.

(3) A member who gives such a notification stops being a member from the date the notification specifies.

(4) However, if a date earlier than the notification or no date is specified, he stops being a member at the end of the payment period during which the notification is given.

(5) Where notification is given by a person before he has been a member for one month, he must be treated as not having been a member in that period.

(1) 1986 c. 60.