



Scottish Parliamentary Pensions Act 2009

2009 asp 1

1 Scottish Parliamentary Pension Scheme

- (1) The Scottish Parliamentary Pension Scheme is to continue but is to be governed from the coming into force of this section in accordance with the rules set out in schedule 1.
- (2) The Scottish Parliamentary Contributory Pension Fund (and all the SPCB's functions, rights, liabilities and obligations in relation to that Fund) are transferred to and vest in the Fund trustees appointed and holding office in accordance with those rules.
- (3) Schedule 3 makes further transitional provisions and savings.

Commencement Information

- II** [S. 1](#) wholly in force at 1.9.2009; [s. 1\(1\)\(3\)](#) in force at Royal Assent for certain purposes and [s. 1\(1\)\(3\)](#) in force otherwise at 1.9.2009 and [s. 1\(2\)](#) in force at 1.9.2009 see [s. 5](#)

2 Grants payable on leaving office

Schedule 2 sets out circumstances in which the SPCB is to pay grants to individuals when they stop being MSPs or holding certain offices.

3 Modification of pension schemes etc.

- (1) The Scottish Parliament may resolve to modify—
 - (a) the Scottish Parliamentary Pension Scheme,
 - (b) the grants scheme set out in schedule 2, or
 - (c) the pension scheme for First Ministers and Presiding Officers which is comprised in Part S of the 1999 pensions order.
- (2) A resolution may, in particular, modify—
 - (a) the rules set out in schedule 1,
 - (b) schedules 2 or 3, or
 - (c) the 1999 pensions order.
- (3) A resolution may—
 - (a) make different provision for different purposes,

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009. (See end of Document for details)

(b) make provision having retrospective effect.

[^{F1}(4) The Clerk of the Parliament must send a copy of a resolution to the Queen’s Printer for Scotland (“the Queen’s Printer”) immediately after it is passed.

(5) Section 41(2) to (5) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and the Scottish Statutory Instruments Regulations 2011 (S.S.I. 2011/195) apply to the resolution—

- (a) as if it were a Scottish statutory instrument,
- (b) as if the copy of it sent to the Queen’s Printer under subsection (4) was a certified copy received in accordance with section 41(1) of the Interpretation and Legislative Reform (Scotland) Act 2010, and
- (c) with the modifications set out in subsections (6) and (7).

(6) References to “responsible authority” are to be read as references to the Clerk of the Parliament.

(7) Regulation 7(2) and (3) of the Scottish Statutory Instruments Regulations 2011 does not apply.]

Textual Amendments

F1 S. 3(4)-(7) substituted for s. 3(4) (6.4.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2011 \(S.S.I. 2011/196\)](#), arts. 1, 3

4 Interpretation

In this Act—

“1999 pensions order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Scottish Parliamentary Pension Scheme) Order 1999 (S.I. 1999/1082),

“Scottish Parliamentary Pension Scheme” means the pension scheme constituted by the 1999 pensions order (but does not include the pension scheme for First Ministers and Presiding Officers which is comprised in Part S of that order),

“Scottish Parliamentary Contributory Pension Fund” means the fund established by article B1 of the 1999 pensions order, and

“SPCB” means the Scottish Parliamentary Corporate Body.

5 Commencement

(1) The following provisions come into force on Royal Assent—

sections 4 and 6

this section

rules 4 and 8 to 11 of schedule 1 (and section 1(1) in so far as it introduces them)

paragraphs 1, 4 and 9 of schedule 3 (and section 1(3) in so far as it introduces those paragraphs)

(2) Section 3 also comes into force on Royal Assent (but, during the period before the rest of this Act comes into force, a motion for a resolution under that section may be moved only by a member of the SPCB).

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009. (See end of Document for details)

- (3) The rest of this Act comes into force on the first day of the month which follows the month which includes the day falling 6 months after Royal Assent.

6 Short title

This Act is called the Scottish Parliamentary Pensions Act 2009.

Changes to legislation:

There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009.