



Scottish Parliamentary Pensions Act 2009

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SCOTTISH PARLIAMENTARY PENSIONS ACT 2009

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SCHEDULE 1 — Scottish Parliamentary Pension Scheme

- 1 This schedule sets out the rules of the Scottish Parliamentary...
Part A — THE PENSION FUND

The Pension Fund

- 2 “The Pension Fund” means the Scottish Parliamentary Contributory Pension Fund...

Payments to and from Fund

- 3 (1) The following payments are to be made from the...
Part B — FUND TRUSTEES

Fund trustees

- 4 The “Fund trustees” are the individuals appointed under and holding...

Functions

- 5 The Fund trustees' principal function is to administer the Pension...

Number of trustees

- 6 There are to be at least 3 but no more...

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

Eligibility

7 A person who is prevented by the Pensions Act 1995...

Appointment of Fund trustees

8 (1) The Scottish Parliament may resolve to appoint as a...

Remuneration, allowances and expenses

9 (1) A Fund trustee may be remunerated, or receive allowances,...

Resignation

10 (1) A Fund trustee may resign by giving notice of...

Removal

11 (1) A Fund trustee is removed from office only if—...

Change of status

12 (1) This rule applies— (a) where a Fund trustee who...

Member-nominated trustees

13 Nothing in the scheme overrides section 241 of the Pensions...

Procedure

14 The Fund trustees may regulate their own procedure (in so...

Quorum

15 A meeting of the Fund trustees is quorate if—

Staff and advisers

16 The Fund trustees may— (a) employ staff on such terms...

Fund management

17 The Fund trustees must monitor the performance of any fund...

Indemnity insurance

18 The Fund trustees may obtain insurance designed to indemnify them...

Delegation

19 (1) The Fund trustees may authorise any person (including one...

Validity of acts

20 (1) A decision, authorisation or other act of the Fund...

Part C — PARTICIPATING MEMBERS

MSP members

21 Every serving MSP aged under 75 is to participate in...

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

Office-holder members

22 (1) Every individual aged under 75 holding a pensionable office...

MSP opt-out

23 (1) An MSP may opt out of participating in the...

Office-holder opt-out

24 (1) The holder of a pensionable office may opt out...

MSP opt-in

25 An individual who has opted out of participating in the...

Office-holder opt-in

26 (1) An individual who has opted out of participating in...

Part D — CONTRIBUTIONS

Scheme member contributions

27 The person responsible for paying a participating member's salary must —...

Amount of scheme member contribution

28 Higher rate scheme member contributions are be deducted under rule...

Procedure for changing scheme member contribution rate

29 (1) A participating member may, by giving notice to the...

Relief from liability to make scheme member contributions

30 (1) An MSP member is to stop making scheme member...

Contributions when salary not drawn

31 The person responsible for paying the salary of a participating...

Contributions from SPCB

32 (1) The SPCB must pay a sum into the Pension...

Part E — RECKONABLE SERVICE

Reckonable service as an MSP

33 (1) A period for which an MSP member makes scheme...

Reckonable service as an office-holder

34 (1) A period for which an office-holder member makes scheme...

Total reckonable service

35 An individual's “total reckonable service” is the total of any...

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

Measuring reckonable service

- 36 A period of reckonable service is measured in years and...
Part F — PENSIONS

Scheme pension

- 37 (1) A pension (a “scheme pension”) is to be paid...

Amount of MSP pension

- 38 (1) The annual MSP pension payable to an individual is...

Amount of office-holder pension

- 39 (1) The annual office-holder pension payable to an individual is...

Duration of scheme pension

- 40 (1) A scheme pension is payable from the day on...

Suspension of scheme pension

- 41 (1) Where a scheme pensioner becomes an MSP or the...
Part G — RETIREMENT LUMP SUMS

Right to commute pension into a lump sum

- 42 (1) An individual may commute a portion of the individual's...

Payment of retirement lump sum and corresponding reduction in pension

- 43 (1) An individual who gives a valid commutation notice is...

Special rule for commutation by individual approaching the age of 75

- 44 (1) This rule applies to an individual who—

Commuting trivial amounts

- 45 (1) The Fund trustees may pay a lump sum (a...
Part H — EARLY RETIREMENT

Early retirement

- 46 (1) An individual is eligible to take early retirement if...
Part I — ILL-HEALTH

Serious ill-health pension

- 47 An individual is entitled to a serious ill-health pension if...

Ordinary ill-health pension

- 48 An individual is entitled to an ordinary ill-health pension if...

Deferred pensioner's ill-health pension

- 49 A deferred pensioner is entitled to a deferred pensioner's ill-health...

Amount of serious ill-health pension

50 (1) Part F (Pensions) applies with the following modifications to...

Amount of ordinary ill-health pension

51 Rule 37 applies to an individual who is entitled to...

Amount of deferred pensioner's ill-health pension

52 Rule 37 applies to an individual who is entitled to...

Review of ill-health pension entitlements

53 (1) The Fund trustees may review an individual's entitlement to...

Medical examinations

54 (1) The Fund trustees may require— (a) an applicant for...

Ill-health lump sums: life expectancy of less than one year

55 (1) An individual is entitled to be paid a lump...
Part J — SURVIVING PARTNERS AND CHILDREN

CHAPTER 1

SCHEME PENSION ENTITLEMENT

Meaning of “scheme pension entitlement”

56 (1) References in this Part to a deceased individual's “scheme...

CHAPTER 2

PARTNER'S PENSION ETC.

Partner

57 (1) “Partner”, in relation to any deceased individual, means—

Partner's pension

58 (1) A pension (a “partner's pension”) is to be paid...

Enhancement of initial partner's pension

59 (1) This rule applies where amount A is less than...

Duration of partner's pension

60 (1) A partner's pension is payable from the day after...

Partner's trivial lump sum

61 (1) The Fund trustees may pay a lump sum (a...

CHAPTER 3

CHILDREN'S PENSIONS

Children's pensions

62 (1) A pension (a “children's pension”) is to be paid...

Eligible children

63 (1) A “child”, in relation to a deceased individual, includes—...

Payment of children's pension

64 (1) A children's pension is payable— (a) from the start...

Part K — LUMP SUM DEATH BENEFITS

Death in service lump sum

65 (1) The Fund trustees may pay a lump sum (a...

Nominations for death in service lump sum

66 (1) A participating member may nominate any person as his...

Deferred pensioner lump sum

67 (1) A lump sum (a “deferred pensioner lump sum”) is...

Part L — 5 YEAR GUARANTEE

Initial pension period

68 A scheme pensioner's “initial pension period” is the period of...

Guaranteed pension for surviving partner

69 (1) Where a scheme pensioner dies during his or her...

Guaranteed lump sum where scheme pensioner dies aged under 75 with no surviving partner

70 (1) A lump sum (a “guaranteed lump sum”) is to...

Guaranteed pension where scheme pensioner dies aged 75 or over with no surviving partner

71 (1) Where a scheme pensioner— (a) dies before the end...

Part M — SHORT SERVICE REFUNDS

Payment of short service refunds

72 (1) A sum (a “short service refund”) is to be...

Extinction of scheme benefits

73 Payment of a short service refund extinguishes the rights of...

Part N — TRANSFERS

CHAPTER 1

TRANSFERS OUT

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

Statement of entitlement

74 (1) An individual's "transferable sum" is the amount of cash...

Transfers to other pension schemes

75 An individual's transferable sum must be transferred from the Pension...

Enhancement of transferable sum

76 (1) A transferable sum of less than amount A is...

Reduction of transferable sum

77 Where section 96(2) of the Pension Schemes Act 1993 (c....

Transfer payment

78 (1) Where rule 75 requires a transfer to be made,...

Time limits

79 The Fund trustees may extend any time limit set out...

Extinction of scheme benefits

80 A transfer under rule 75 extinguishes the rights of all...

CHAPTER 2

TRANSFERS IN

Transfer in

81 A sum (a "transfer-in sum") may be paid from another...

Effect of transfer in

82 (1) The reckonable service of any participating member in respect...

Limitation on transfers in

83 (1) A transfer-in sum is not to be paid if...

Part O — ADDED YEARS

Added years

84 (1) A participating member may increase his or her reckonable...

Buying added years by instalments

85 (1) The Fund trustees may accept a participating member's application...

Revocation of accepted application

85A (1) This rule applies— (a) where an MSP member buying...

Interruption of service

86 (1) This rule applies— (a) where an MSP member buying...

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

Resumption of service as MSP member

87 (1) This rule applies where— (a) an MSP member's application...

Buying added years by lump sum

88 (1) The Fund trustees may accept a participating member's application...

Limitations on buying added years

89 (1) The Fund trustees must reject an application to buy...

Multiple applications

90 The Fund trustees may accept more than one application by...
Part P — PENSION SHARING

Pension credit members

91 (1) A “pension credit member” is an individual on whom...

Pension debit members

92 (1) A “pension debit member” is an individual whose scheme...

Death of ex-partner before discharge of pension credit liability

93 (1) This rule applies where an individual entitled to a...
Part Q — DUAL MANDATE MSPS

Dual mandate MSPs

94 A “dual mandate MSP” is a serving MSP whose salary...

Pension reduction for dual mandate MSPs

95 The following adjustments are to be made when doing the...
Part R — TAXES

2004 Act terms

96 In this Part— “the 2004 Act” means the Finance Act...

Payment of lifetime allowance charge by scheme administrator

97 (1) The scheme administrator may pay a lifetime allowance charge...

Payment of lifetime allowance charge from Pension Fund

98 (1) If rule 97(2) prevents the scheme administrator from paying...

Deductions for tax arising on lump sum payments

99 Any tax due under section 205 of the 2004 Act...

Reduction of benefits which would otherwise attract unauthorised charge

100 Where an unauthorised charge would (but for this rule) arise...

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

Prohibition on payments which would give rise to liability for certain taxes

101 Nothing in the scheme authorises any payment from the Pension...

Part S — ACCOUNTS, AUDIT AND ACTUARIAL REPORTS

Accounts and audit

102 (1) The Fund trustees must keep proper accounts (and must,...

Actuarial reports

103 (1) The “scheme actuary” is the person appointed by the...

Part T — MISCELLANEOUS

Dispute resolution procedure

104 Section 50 of the Pensions Act 1995 (c. 26) requires...

Guaranteed minimum pension

105 (1) Any individual who is entitled to a guaranteed minimum...

Restriction on assignability etc.

106 Despite paragraphs (a) to (c) of section 91(5) of the...

Payments due in respect of deceased individuals

107 (1) This rule applies where a deceased's scheme entitlement is...

Formal communications

108 (1) A “formal communication” means any— (a) notice,

Part U — KEY TERMS

Interpretation

109 (1) In the scheme— “deferred pensioner” means an individual (other...

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110 The words and expressions listed in the left column of...

SCHEDULE 2 — Grants payable on leaving office

MSP resettlement grant

1 (1) The SPCB must pay a grant (an “MSP resettlement...

MSP ill-health retirement grant

2 (1) The SPCB must pay a grant (an “MSP ill-health...

Amount of MSP grants

3 (1) The amount of an MSP resettlement grant or MSP...

Office-holder resettlement grant

4 (1) The SPCB must pay a grant (an “office-holder resettlement...

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Key terms

5 The following terms have the same meaning in this schedule...

SCHEDULE 3 — Transitional provisions and savings

Introductory

1 (1) In this schedule— “new rules day” means the first...

Continuation of scheme and transfer of Pension Fund

2 Despite article A3 of the 1999 pensions order—

Scheme participation

3 An individual is not entitled to participate in the scheme...

Scheme member contributions

4 (1) An “existing participating member” is an individual who—

Contributions from SPCB

5 The determination under article D3(2) of the 1999 scheme rules...

Reckonable service as an MSP

6 (1) This paragraph applies to an individual who—

Reckonable service as an office-holder

7 (1) This paragraph applies to an individual who—

Total reckonable service

8 The total reckonable service of an individual who participated in...

Special provision for participants reaching age of 75 before the new rules day

9 (1) This paragraph applies to an individual who—

Payment of pensions due on new rules day etc.

10 Despite article A3 of the 1999 pensions order, the 1999...

Entitlement of partners and children after new rules day

11 Despite the preceding paragraph, the new scheme rules are to...

Early retirement

12 (1) An individual falls within this paragraph if the individual—...

Partner's and children's pensions

13 (1) An individual falls within this paragraph if the individual—...

5 year guarantee

- 14 (1) The Fund trustees may, instead of continuing to pay...

Deferred pensioner lump sums

- 15 (1) This paragraph applies where a deferred pensioner lump sum...

Short service refunds

- 16 (1) Condition 3 of new scheme rule 72(1) does not...

Transfers

- 17 (1) When applying rule 76 in relation to an individual...

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- 18 (1) This paragraph applies where an individual—

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- 19 (1) Despite article A3 of the 1999 pensions order, the...

Guaranteed minimum pension

- 20 The reference in new scheme rule 105(1) to a “transfer-in...

Presiding Officer and First Minister pension scheme

- 21 (1) Despite article A3 of the 1999 pensions order, Part...

General saving

- 22 Despite article A3 of the 1999 pensions order, the 1999...

Disapplication of scheme modifications

- 23 The modifications set out in regulations made under paragraph 3...

Changes to legislation:

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