

SCOTTISH PARLIAMENTARY PENSIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part Q Dual Mandate MSPs

398. Part Q of Schedule 1 sets out the rules for calculating the pension entitlement of “dual mandate MSPs”. These provisions replace the rules contained at Part F4 (1), (2) and (3) of the 1999 pensions order.

Rule 94: Dual mandate MSPs

399. Rule 94 defines a “dual mandate MSP” as a serving MSP who is or has been a paid member of the UK Parliament (an MP) or the European Parliament (MEP) at the same time as being an MSP and had a reduction in MSP salary under section 82(2) of the 1998 Act. The amount of a dual member’s final salary is reduced to one-third of an MSP salary.

Rule 95: Pension reduction for dual mandate MSPs

400. Rule 95 sets out the adjustments which are to be made when calculating the amount of pension due from the scheme in respect of dual mandate MSPs. These adjustments are to be made to the formula contained in rule 38(1) of the Schedule. This formula is used to calculate the amount of annual MSP pension.
401. The adjustments that are to be made are contained in rule 95 (a)–(c).
402. Rule 95(a) provides that any reduction in final salary by virtue of section 82(2) of the 1998 Act is to be ignored.
403. Rule 95(b) applies when determining “A” in the formula contained in rule 38(1). During any period that a dual mandate MSP member made lower rate scheme member contributions from MSP salary payments (the pension of which is accruing at 1/50th per annum). “A” is to be reduced by the same proportion as the MSP’s salary was reduced during that period in accordance with section 82(2) of the 1998 Act.
404. Rule 95(c) applies when determining “B” in the formula contained in rule 38(1). During any period that a dual mandate MSP member made higher rate scheme member contributions from MSP salary payments (the pension of which is accruing at 1/40th per annum). “B” is to be reduced by the same proportion as the MSP’s salary was reduced during that period in accordance with section 82(2) of the 1998 Act.
405. The adjustments made by rule 95 have the effect of reducing the amount of pension accrued during periods of dual membership by the same proportion as the member’s salary is reduced under section 82(2) of the 1998 Act.