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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Paragraph 50. (See end of Document for details)

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## SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

### PART I

#### ILL-HEALTH

##### *Amount of serious ill-health pension*

- 50 (1) Part F (Pensions) applies with the following modifications to an individual who is entitled to a serious ill-health pension and who has reckonable service as an MSP—
- (a) the individual is to be treated as having been aged 65 on the relevant day,
  - (b) the individual's reckonable service as an MSP is to be increased by a period equal to the period of reckonable service as an MSP that the individual would obtain if the individual were to be an MSP member from the relevant day until the individual's 65th birthday,
  - (c) if the individual was a dual mandate MSP on the relevant day (or would have been had he or she been an MSP on that day), that increased period of reckonable service as an MSP is to be reduced by the same proportion as the MSP's salary was (or would have been) reduced on that day,
  - (d) the individual is to be treated as having made scheme member contributions during that increased period of reckonable service as an MSP at the rate which applied to the individual on the relevant day, and
  - (e) the individual's reckonable service as an office-holder (if any) is not increased.
- (2) Part F (Pensions) applies with the following modifications to an individual who is entitled to a serious ill-health pension and who has reckonable service as an office-holder only—
- (a) the individual is to be treated as having been aged 65 on the relevant day, and
  - (b) the amount of annual office-holder pension payable to the individual is to be increased by an amount equal to—

$$A \times \frac{B}{C}$$

where—

“A” is the annual salary payable to an MSP by virtue of section 81(1) of the Scotland Act on the relevant day,

“B” is the period of reckonable service as an office-holder that the individual would have obtained if the individual had continued to hold a pensionable office from the relevant day until the individual's 65th birthday, and

“C” is—

- (i) if higher rate scheme member contributions were being made on the relevant day, 40,
- (ii) if lower rate scheme member contributions were being made on the relevant day, 50.

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- (3) In this rule, “relevant day” means the day on which the individual resigned as or otherwise stopped being, an MSP or, as the case may be, the holder of a pensionable office.

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