

*Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Paragraph 91. (See end of Document for details)*

## SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

### PART P

#### PENSION SHARING

##### *Pension credit members*

- 91 (1) A “pension credit member” is an individual on whom rights are conferred by the Fund trustees in accordance with paragraph 1(2) of Schedule 5 to the Welfare Reform and Pensions Act 1999 (c. 30).
- (2) It is for the Fund trustees to determine the benefits to which a pension credit member is to be entitled. But those benefits may consist only of—
- (a) a right to be paid a pension from the age of 65,
  - (b) a right to commute a portion of that pension into a lump sum,
  - (c) a right to take early retirement when aged between 60 and 65 and accordingly to be paid a reduced pension,
  - (d) a right to be paid a lump sum instead of a pension where the member has not yet received a pension and is not expected to live for longer than one year because of a health condition,
  - (e) a right to be paid a lump sum instead of a pension where that lump sum would be a trivial commutation lump sum for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (c. 12),
  - (f) where a pension credit member dies within 5 years of first receiving a pension, a right to have the pension paid to a surviving partner, dependant children or personal representatives for the remainder of the 5 year period,
  - (g) where a pension credit member dies before first receiving a pension, a right to have a lump sum paid to a surviving partner, dependant children or personal representatives of an amount equal to 25% of the cash equivalent of the benefits attributable to the corresponding pension credit (within the meaning of [F1Chapter 1 of Part 4ZA] to the Pension Schemes Act 1993 (c. 48)).
- (3) An individual's benefits as a pension credit member are to be provided separately from any other benefits to which the individual may be entitled under the scheme.
- (4) A rule which extinguishes an individual's right to receive scheme benefits on being paid a lump sum does not extinguish any separate rights which the individual may have to receive benefits as a pension credit member (or as a surviving partner, dependant child or personal representative of such a member).

#### Textual Amendments

- F1** Words in sch. 1 para. 91(2)(g) substituted (6.4.2015) by Pension Schemes Act 2015 (c. 8), s. 89(3)(b), Sch. 4 para. 43(3) (with s. 87)

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