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

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## SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

### PART L

#### 5 YEAR GUARANTEE

##### *Initial pension period*

- 68 A scheme pensioner's "initial pension period" is the period of 5 years beginning on the day on which he or she is first entitled to receive a scheme pension (not counting any intervening period of less than 5 years in which pension payments are suspended under rule 41 or reduced under rule 44).

##### *Guaranteed pension for surviving partner*

- 69 (1) Where a scheme pensioner dies during his or her initial pension period and leaves a surviving partner—
- (a) the surviving partner's entitlement to be paid a partner's pension is suspended for the remainder of the initial pension period, and
  - (b) the deceased's scheme pension is to continue to be paid for the remainder of his or her initial pension period (but is to be paid to the surviving partner instead of to the deceased).
- (2) Where a children's pension is payable in respect of the deceased, the pension payable under this rule is to be reduced—
- (a) for the 3 months following death, by the amount of children's pension payable to the surviving partner during that period, and
  - (b) for the remainder of the initial pension period, by the total amount of children's pension payable during that period.
- (3) Where the surviving partner dies during the deceased's initial pension period, the pension payable under this rule is to be paid to the surviving partner's personal representatives.

##### *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 be paid to the personal representatives of any scheme pensioner who—
- (a) dies before the end of his or her initial pension period,
  - (b) was aged under 75 when he or she died, and
  - (c) does not leave a surviving partner.
- (2) A guaranteed lump sum is to be equal to—
- (a) the amount of scheme pension which would have been paid to the deceased from time of death until the end of his or her initial pension period, less
  - (b) the amount of children's pension (if any) which the Fund trustees consider likely to be payable from that time until the end of that period.
- (3) An additional lump sum is to be paid to the deceased's personal representatives if the Fund trustees consider that the amount of any guaranteed lump sum (or any previous additional lump sum) should have been more than the amount paid (because they

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have revised their estimate of the amount of children's pension which they consider likely to be payable).

- (4) An additional lump sum is to be equal to the difference between the amount of the guaranteed lump sum (together with any previous additional lump sum) and the amount which the Fund trustees consider should have been paid.
- (5) A guaranteed lump sum or additional lump sum may be paid under this rule only if the Fund trustees are satisfied that, if paid, the lump sum would be a “defined benefits lump sum death benefit” for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (c. 12).

*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 of his or her initial pension period,
  - (b) was aged 75 or over when he or she died, and
  - (c) does not leave a surviving partner,
- the deceased's scheme pension is to continue to be paid for the remainder of his or her initial pension period (and is to be paid to the deceased's personal representatives).
- (2) A pension payable under this rule is to be reduced by the amount of any children's pension payable during the same period.

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