
Status: This is the original version (as it was originally enacted).

SCHEDULE 1
SCOTTISH PARLIAMENTARY PENSION SCHEME

PART N

TRANSFERS

CHAPTER 2

TRANSFERS IN

Transfer in

81 A sum (a “transfer-in sum”) may be paid from another pension scheme into the Pension Fund in relation to a participating member if the following conditions are met—

<i>Condition 1</i>	The participating member gives the Fund trustees notice (a “transfer-in notice”) specifying— (a) the amount of the transfer-in sum, and (b) the pension scheme which is to make the payment.
<i>Condition 2</i>	The transfer-in notice is given before the participating member’s 64th birthday.
<i>Condition 3</i>	The participating member has at least 3 months total reckonable service.
<i>Condition 4</i>	The pension scheme which is to make the payment is— (a) registered for the purposes of Part 4 of the Finance Act 2004 (c. 12) (see section 150 of that Act), or (b) a qualifying recognised overseas pension scheme for the purposes of that Part (see section 169 of that Act).
<i>Condition 5</i>	The transfer-in sum is the amount, if any, which requires to be applied in relation to any entitlement to a guaranteed minimum pension arising in respect of the transfer-in sum.
<i>Condition 6</i>	The transfer is not prohibited by rule 83.

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Condition 7

Any condition imposed by the Fund trustees in relation to the transfer is met to their satisfaction.

Effect of transfer in

- 82 (1) The reckonable service of any participating member in respect of whom a transfer-in sum is paid into the Pension Fund is to be increased as follows—
- (a) where the participating member is an MSP member, the participating member’s reckonable service as an MSP is to be increased by an amount determined by the Fund trustees,
 - (b) where the participating member is an office-holder member but not an MSP—
 - (i) the participating member’s reckonable service as an office-holder is to be increased by an amount determined by the Fund trustees, and
 - (ii) that increase is, for the purposes of rule 39(3), to be attributed to the period in office being served when the transfer-in sum is paid.
- (2) The increased period of reckonable service is, for the purposes of rule 38(1) or, as the case may be, 39(3), to be treated as a period during which higher rate scheme member contributions were made.
- (3) The Fund trustees must determine the amount by which a participating member’s reckonable service is to be so increased—
- (a) as at the date on which the transfer-in sum is paid into the Fund, and
 - (b) in accordance with guidance and tables prepared by the scheme actuary.

Limitation on transfers in

- 83 (1) A transfer-in sum is not to be paid if the Fund trustees consider that the corresponding increase in reckonable service, when taken with the participating member’s anticipated reckonable service, would (but for rule 38(2) or 39(4)) entitle the participating member to—
- (a) an annual MSP pension of more than the individual’s annual MSP pension cap, or
 - (b) an annual office-holder pension of more than the individual’s annual office-holder pension cap.
- (2) An applicant’s “anticipated reckonable service” is the reckonable service as an MSP or, as the case may be, office-holder which the participating member would obtain if he or she—
- (a) continued as an MSP member (and continued making scheme member contributions at the same rate) until the next ordinary general election day, or (as the case may be)
 - (b) continued to hold the same office and to be an office-holder member (and continued making scheme member contributions at the same rate) until the next ordinary general election day (or such other day as the Fund trustees may determine).