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

SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

PART C

PARTICIPATING MEMBERS

MSP members

- 21 Every serving MSP aged under 75 is to participate in the scheme as an “MSP member” (unless the MSP opts out under rule 23).

Office-holder members

- 22 (1) Every individual aged under 75 holding a pensionable office is to participate in the scheme as an “office-holder member” (unless the individual opts out under rule 24).
- (2) An individual holds a pensionable office by being—
- (a) the Presiding Officer,
 - (b) a deputy Presiding Officer,
 - (c) one of the Scottish Ministers, or
 - (d) a junior Scottish Minister.

MSP opt-out

- 23 (1) An MSP may opt out of participating in the scheme by giving notice to the Fund trustees.

This rule does not prevent an MSP who is also a holder of a pensionable office from opting out as an office-holder member only under rule 24 (but such an MSP may not opt out as an MSP member only).

- (2) Where an MSP opts out within 3 months of first being elected as an MSP—
- (a) the MSP is to be treated—
 - (i) as having never been an MSP member, and
 - (ii) as having not been an office-holder member for any period since the election, and
 - (b) any scheme member contributions made since being elected are to be repaid to the MSP.
- (3) In any other case, an MSP who opts out stops being a participating member on whatever date the Fund trustees decide is the earliest practicable date after they receive the opt-out notice.

Office-holder opt-out

- 24 (1) The holder of a pensionable office may opt out of participating in the scheme as an office-holder member only by giving notice to the Fund trustees.
- (2) Where the holder of a pensionable office opts out within 3 months of being appointed to that office—

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- (a) the office-holder is to be treated as having not been an office-holder member since being appointed, and
 - (b) any scheme member contributions made in respect of office-holder's salary since being appointed are to be repaid to the office-holder.
- (3) In any other case, a holder of a pensionable office who opts out stops being an office-holder member on whatever date the Fund trustees decide is the earliest practicable date after they receive the opt-out notice.

MSP opt-in

- 25 An individual who has opted out of participating in the scheme may, if subsequently elected as an MSP, opt back into the scheme as an MSP member with effect from the election date by—
- (a) giving notice to the Fund trustees within 3 months of being elected, and
 - (b) paying to the Fund trustees by the due date the amount which they certify as the amount of scheme member contributions which would have been made from the individual's MSP salary payments between the election date and the next day on which a scheme member contribution is to be made.

“due date” means the 28th day after the Fund trustees give their certification to the MSP (or any later day as the Fund trustees may specify).

Office-holder opt-in

- 26 (1) An individual who has opted out of participating in the scheme (or who has opted out of participating as an office-holder member only) may, if subsequently appointed to hold any pensionable office, opt back into the scheme as an office-holder member with effect from the appointment date by—
- (a) giving notice to the Fund trustees within 3 months of being appointed, and
 - (b) paying to the Fund trustees by the due date the amount which they certify as the amount of scheme member contributions which would have been made from the individual's office-holder salary payments between the appointment date and the next day on which a scheme member contribution is to be made.

“due date” means the 28th day after the Fund trustees give their certification to the office-holder (or any later day as the Fund trustees may specify).

- (2) An MSP may not opt back into the scheme as an office-holder member unless that individual also opts back in as (or already is) an MSP member.

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