
STATUTORY INSTRUMENTS

1999 No. 1082

**The Scotland Act 1998 (Transitory and Transitional Provisions)
(Scottish Parliamentary Pension Scheme) Order 1999**

PART F

PENSION ENTITLEMENT

Entitlement of pensioner members

F1.—(1) Subject to the provisions of the Scheme, a person who ceases to be a participating member and who has reckonable service as a participating member under Part E shall be entitled to receive a pension under this article as from the time when the following conditions are fulfilled in respect of him:—

- (a) he is neither a member of the Parliament nor a candidate for election to it;
- (b) he is not an office holder; and
- (c) he has attained the age of 65.

Entitlement of pensioner office holders

F2.—(1) Subject to the provisions of the Scheme, a person who ceases to be a participating office holder and who has reckonable service as a participating office holder under Part E shall be entitled to receive a pension under this article as from the time when the conditions specified in paragraphs (a), (b) and (c) of article F1(1) are fulfilled in respect of him.

(2) A person may be entitled to a pension under both articles F1 and this article; and the amounts of the two pensions shall be cumulative.

Amount payable to pensioners

F3.—(1) Subject to articles F4 (amount payable to “dual mandate” pensioners), F5 (permitted maximum pensions), G1 (commutation), H1 (early retirement) and J1 and J3 (ill health pensions), the annual amount of the pension payable to a person under article F1 or F2 shall be—

$$\frac{\text{his final salary}}{50} \times \text{his aggregate period of reckonable service.}$$

(2) In paragraph (1) the expression “final salary” refers to the person’s final member’s salary or office holder’s salary, as the case may be, and means—

- (a) in relation to a person whose actual period of reckonable service as a participating member or office holder, as the case may be, was 12 months or more, the amount of his member’s or office holder’s salary, as the case may be, for the last 12 months (whether continuous or not) comprised in that actual period of reckonable service; and
- (b) in relation to a person whose actual period of reckonable service as a participating member or office holder, as the case may be, was less than 12 months, his member’s or office

holder's salary, as the case may be, for the period (whether continuous or not) which constituted that actual period of reckonable service multiplied by 365 and divided by the number of days in that period,

and in either case excludes any amount in excess of the permitted maximum.

(3) In paragraph (1) the expression "aggregate period of reckonable service" refers to the person's aggregate period of reckonable service as a participating member or office holder, as the case may be.

Amount payable to "dual mandate" pensioners

F4.—(1) This article applies to a pensioner who, for part of his actual period of reckonable service as a participant, also received a salary pursuant to a resolution (or combination of resolutions) of either House of Parliament relating to the remuneration of members of that House or under section 1 of the European Parliament (Pay and Pensions) Act 1979(1).

(2) The period mentioned in paragraph (1) is referred to in this article as the pensioner's "period of dual mandate".

(3) For the purpose of calculating the annual amount of a pension payable to a pensioner to whom this article applies—

- (a) where his final salary is calculated in accordance with article F3(2) by reference to a period of dual mandate, the pensioner's aggregate period of reckonable service shall, for the purpose of article F3(1), be multiplied by three in respect of any part of his aggregate period of reckonable service that was not part of his period of dual mandate; and
- (b) where his final salary is calculated in accordance with article F3(2) by reference to an actual period of reckonable service that was not a period of dual mandate, the pensioner's aggregate period of reckonable service shall, for the purpose of article F3(1), be divided by three in respect of any part of his aggregate period of reckonable service that was a period of dual mandate.

Permitted maximum pensions

F5.—(1) The annual amount of the pension payable under article F1 or F2 shall not exceed whichever is the least of—

- (a) the amount equal to two-thirds of the participant's final salary; or
- (b) such maximum pension as is calculated in respect of that person in accordance with the provisions of Schedule 2; or
- (c) the amount equal to two-thirds of the permitted maximum.

(2) In the case of a person who is entitled to a pension under both articles F1 and F2, the amount of the two pensions together shall not exceed two-thirds of the permitted maximum and, if they do, the pension payable under article F2 shall be reduced before the pension payable under article F1.

Duration of pensions

F6.—(1) Subject to the following provisions of this article, a pension under article F1 or F2 (including an early retirement pension or an ill-health pension by virtue of Part H or J) shall continue for the life of the person to whom it is payable.

(2) Subject to paragraph (3), no such pension shall be payable to a person in respect of any period during which he is a member of the Parliament or a candidate for election to the Parliament, or in respect of any part of a period of tenure of a qualifying office other than a part in respect of which no salary is payable or in respect of which no salary is drawn.

(1) 1979 c. 50.

(3) Where, in the case of any person, a pension under article F1 or F2 or a pension under each of those articles would, but for paragraph (2), be payable to him in respect of a period of tenure of a qualifying office during which he is neither a member of the Parliament nor a candidate for election to the Parliament—

- (a) that paragraph shall not apply to that pension or either of those pensions in respect of any part of that period;
- (b) the amount or aggregate amount payable to him in right of that pension or those pensions for any part of that period shall not exceed the amount, if any, by which any office holder's salary payable to him for that part of that period falls short of the amount of a member's salary for that period; and
- (c) if he is a participating office holder in respect of that period then, for the purpose of calculating the amount, if any, which would, apart from sub-paragraph (b) above, be payable to him in right of a pension under article F2 for any part of that period (but not for any other purpose, and in particular not for the purpose of recalculating at the end of that period the annual amount of the pension, if any, to which apart from sub-paragraph (b) above he is entitled under article F2), that period shall be deemed not to be a period of reckonable service as a participating office holder.

(4) For the purposes of this article a person who ceases to be a member in consequence of the dissolution of the Parliament shall be treated as a candidate for election unless and until he gives notice in writing to the Parliamentary corporation that he is not seeking re-election.

(5) This article shall not apply for the purposes of calculating the amounts mentioned in article M2(3) or (4)(b) or the amounts payable under M3(2), M4(2) or M7 (five year guarantee).