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STATUTORY INSTRUMENTS

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**1999 No. 1082**

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

**PART J**

**ILL-HEALTH PENSIONS**

**Ill-health pensions based on service as a participant**

**J1.**—(1) A participant who because of ill-health—

- (a) ceases to be a participating member before attaining the age of 65 years; or
- (b) while not a member of the Parliament but while having a period of reckonable service as a participating member ceases to be a participating office holder before attaining that age,

may apply to the Parliamentary corporation for an early pension under article F1 if at the time when he so ceases (“the material time”) he would have become entitled to receive a pension under that article but for his not having attained the age of 65.

(2) A participant who because of ill-health—

- (a) ceases to be a participating member before attaining the age of 65; or
- (b) while not a member of the Parliament ceases to be a participating office holder before attaining that age,

may apply to the Parliamentary Corporation for an early pension under article F2 if at the time when he so ceases (“the material time”) he would have become entitled to receive a pension under that article but for his not having attained the age of 65.

(3) If on an application under paragraph (1) or (2) the Parliamentary corporation is satisfied—

- (a) so far as is applicable, that the applicant does not intend to seek re-election to the Parliament or to accept any future offer of a qualifying office;
- (b) that his ceasing as mentioned in paragraph (1)(a) or (b) was a direct consequence of his ill-health; and
- (c) that his ill-health is such as would prevent him from performing adequately the duties of a member of the Parliament,

the applicant shall be entitled to receive a pension under article F1 or F2, as the case may be, as from the material time.

(4) A person who, if he were to cease as mentioned in paragraph (1)(a) or (b) or (2)(a) or (b) at a particular time in the future because of ill-health, would become entitled to make an application under the relevant paragraph, may make such an application before that time, specifying in it the time when he proposes so to cease, and where on such an application the Parliamentary corporation is satisfied that, if the applicant so ceases at the time specified therein, he will be entitled under paragraph (3) to receive a pension under article F1 or F2, as appropriate, as from that time, it shall give him notice in writing to that effect.

(5) The annual amount of a pension payable under article F1 or F2 to a person by virtue of this article shall (subject to Part G (commutation)) be calculated in accordance with article F3; but for the purposes of calculating his pension under article F1 his actual period of reckonable service as a participating member shall be increased by a period equal to the period between his ceasing as mentioned in paragraph (1)(a) or (b) and the time when he would attain the age of 65.

(6) For the purposes of this article—

- (a) a person who has ceased to be a participating member in consequence of the dissolution of the Parliament shall be treated as having so ceased because of ill-health if, but only if, he satisfies the Parliamentary corporation that as a direct consequence of his ill-health he did not seek re-election to the Parliament after the dissolution; and
- (b) a person who has, while not a member of the Parliament, ceased to be a participating office holder because of the result of a general election consequent upon the dissolution of the Parliament shall be treated as having so ceased as a direct consequence of his ill-health if, but only if, he satisfies the Parliamentary corporation that on the day of the poll in that election his ill-health was such as would prevent him from performing adequately the duties of a member of the Parliament.

### **Ill-health pensions for former members or office holders**

**J2.**—(1) A person who because of ill-health has, while neither a member of the Parliament nor a candidate for election to it nor an office holder, retired from gainful work before attaining the age of 65 may apply to the Parliamentary corporation for an early pension under article F1 or F2, if at the time when he so retired he would have become entitled to receive a pension under article F1 or F2, as the case may be, but for his not having attained the age of 65.

(2) If on an application under this article the Parliamentary corporation is satisfied—

- (a) that the applicant does not intend to seek election to the Parliament or to accept any future offer of a qualifying office;
- (b) that his retirement from gainful work was a direct consequence of his ill-health; and
- (c) that his ill-health is such as would prevent him from performing adequately the duties of a member of the Parliament,

the applicant shall, as from the date on which the Parliamentary corporation is so satisfied, be entitled to receive a pension under the relevant article.

(3) Where an application is made under this article, the Parliamentary corporation shall by notice in writing inform the applicant whether it is so satisfied as mentioned in paragraph (2) and, if it is so satisfied, shall state the date as from which the pension payable to him by virtue of this article is payable in accordance with that paragraph.

(4) In this regulation “gainful work” means work under a contract of employment, or as the holder of an office, or as a self-employed person engaged in a business or profession, being in any case work from which the person concerned gains the whole or a substantial part of his income.

### **Medical evidence**

**J3.**—(1) Every application under Part J must be accompanied by evidence from a medical practitioner of the applicant’s state of health.

(2) In the case of any such application the Parliamentary corporation may require the applicant to undergo a medical examination by a medical practitioner nominated by it for the purpose; and the fees for any such examination shall be borne by the Parliamentary corporation or the applicant, as the Parliamentary corporation may determine.