



# Scottish Parliamentary Pensions Act 2009

## 2009 asp 1

### SCOTTISH PARLIAMENTARY PENSIONS ACT 2009

- 1 Scottish Parliamentary Pension Scheme
- 2 Grants payable on leaving office
- 3 Modification of pension schemes etc.
- 4 Interpretation
- 5 Commencement
- 6 Short title

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#### SCHEDULE 1 — Scottish Parliamentary Pension Scheme

- 1 This schedule sets out the rules of the Scottish Parliamentary...  
Part A — THE PENSION FUND

##### *The Pension Fund*

- 2 “The Pension Fund” means the Scottish Parliamentary Contributory Pension Fund....

##### *Payments to and from Fund*

- 3 (1) The following payments are to be made from the...  
Part B — FUND TRUSTEES

##### *Fund trustees*

- 4 The “Fund trustees” are the individuals appointed under and holding...

##### *Functions*

- 5 The Fund trustees' principal function is to administer the Pension...

##### *Number of trustees*

- 6 There are to be at least 3 but no more...

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### *Eligibility*

7 A person who is prevented by the Pensions Act 1995...

### *Appointment of Fund trustees*

8 (1) The Scottish Parliament may resolve to appoint as a...

### *Remuneration, allowances and expenses*

9 (1) A Fund trustee may be remunerated, or receive allowances,...

### *Resignation*

10 (1) A Fund trustee may resign by giving notice of...

### *Removal*

11 (1) A Fund trustee is removed from office only if—...

### *Change of status*

12 (1) This rule applies— (a) where a Fund trustee who...

### *Member-nominated trustees*

13 Nothing in the scheme overrides section 241 of the Pensions...

### *Procedure*

14 The Fund trustees may regulate their own procedure (in so...

### *Quorum*

15 A meeting of the Fund trustees is quorate if—

### *Staff and advisers*

16 The Fund trustees may— (a) employ staff on such terms...

### *Fund management*

17 The Fund trustees must monitor the performance of any fund...

### *Indemnity insurance*

18 The Fund trustees may obtain insurance designed to indemnify them...

### *Delegation*

19 (1) The Fund trustees may authorise any person (including one...

### *Validity of acts*

20 (1) A decision, authorisation or other act of the Fund...

Part C — PARTICIPATING MEMBERS

### *MSP members*

21 Every serving MSP aged under 75 is to participate in...

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*Office-holder members*

22 (1) Every individual aged under 75 holding a pensionable office...

*MSP opt-out*

23 (1) An MSP may opt out of participating in the...

*Office-holder opt-out*

24 (1) The holder of a pensionable office may opt out...

*MSP opt-in*

25 An individual who has opted out of participating in the...

*Office-holder opt-in*

26 (1) An individual who has opted out of participating in...

Part D — CONTRIBUTIONS

*Scheme member contributions*

27 The person responsible for paying a participating member's salary must —...

*Amount of scheme member contribution*

28 Higher rate scheme member contributions are be deducted under rule...

*Procedure for changing scheme member contribution rate*

29 (1) A participating member may, by giving notice to the...

*Relief from liability to make scheme member contributions*

30 (1) An MSP member is to stop making scheme member...

*Contributions when salary not drawn*

31 The person responsible for paying the salary of a participating...

*Contributions from SPCB*

32 (1) The SPCB must pay a sum into the Pension...

Part E — RECKONABLE SERVICE

*Reckonable service as an MSP*

33 (1) A period for which an MSP member makes scheme...

*Reckonable service as an office-holder*

34 (1) A period for which an office-holder member makes scheme...

*Total reckonable service*

35 An individual's "total reckonable service" is the total of any...

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*Measuring reckonable service*

- 36 A period of reckonable service is measured in years and...  
Part F — PENSIONS

*Scheme pension*

- 37 (1) A pension (a “scheme pension”) is to be paid...

*Amount of MSP pension*

- 38 (1) The annual MSP pension payable to an individual is...

*Amount of office-holder pension*

- 39 (1) The annual office-holder pension payable to an individual is...

*Duration of scheme pension*

- 40 (1) A scheme pension is payable from the day on...

*Suspension of scheme pension*

- 41 (1) Where a scheme pensioner becomes an MSP or the...  
Part G — RETIREMENT LUMP SUMS

*Right to commute pension into a lump sum*

- 42 (1) An individual may commute a portion of the individual's...

*Payment of retirement lump sum and corresponding reduction in pension*

- 43 (1) An individual who gives a valid commutation notice is...

*Special rule for commutation by individual approaching the age of 75*

- 44 (1) This rule applies to an individual who—

*Commuting trivial amounts*

- 45 (1) The Fund trustees may pay a lump sum (a...  
Part H — EARLY RETIREMENT

*Early retirement*

- 46 (1) An individual is eligible to take early retirement if...  
Part I — ILL-HEALTH

*Serious ill-health pension*

- 47 An individual is entitled to a serious ill-health pension if...

*Ordinary ill-health pension*

- 48 An individual is entitled to an ordinary ill-health pension if...

*Deferred pensioner's ill-health pension*

- 49 A deferred pensioner is entitled to a deferred pensioner's ill-health...

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*Amount of serious ill-health pension*

50 (1) Part F (Pensions) applies with the following modifications to...

*Amount of ordinary ill-health pension*

51 Rule 37 applies to an individual who is entitled to...

*Amount of deferred pensioner's ill-health pension*

52 Rule 37 applies to an individual who is entitled to...

*Review of ill-health pension entitlements*

53 (1) The Fund trustees may review an individual's entitlement to...

*Medical examinations*

54 (1) The Fund trustees may require— (a) an applicant for...

*Ill-health lump sums: life expectancy of less than one year*

55 (1) An individual is entitled to be paid a lump...  
Part J — SURVIVING PARTNERS AND CHILDREN

**CHAPTER 1**

SCHEME PENSION ENTITLEMENT

*Meaning of “scheme pension entitlement”*

56 (1) References in this Part to a deceased individual's “scheme...

**CHAPTER 2**

PARTNER'S PENSION ETC.

*Partner*

57 (1) “Partner”, in relation to any deceased individual, means—

*Partner's pension*

58 (1) A pension (a “partner's pension”) is to be paid...

*Enhancement of initial partner's pension*

59 (1) This rule applies where amount A is less than...

*Duration of partner's pension*

60 (1) A partner's pension is payable from the day after...

*Partner's trivial lump sum*

61 (1) The Fund trustees may pay a lump sum (a...

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### CHAPTER 3

#### CHILDREN'S PENSIONS

##### *Children's pensions*

62 (1) A pension (a “children's pension”) is to be paid...

##### *Eligible children*

63 (1) A “child”, in relation to a deceased individual, includes—...

##### *Payment of children's pension*

64 (1) A children's pension is payable— (a) from the start...  
Part K — LUMP SUM DEATH BENEFITS

##### *Death in service lump sum*

65 (1) The Fund trustees may pay a lump sum (a...

##### *Nominations for death in service lump sum*

66 (1) A participating member may nominate any person as his...

##### *Deferred pensioner lump sum*

67 (1) A lump sum (a “deferred pensioner lump sum”) is...  
Part L — 5 YEAR GUARANTEE

##### *Initial pension period*

68 A scheme pensioner's “initial pension period” is the period of...

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

69 (1) Where a scheme pensioner dies during his or her...

##### *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...

##### *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...  
Part M — SHORT SERVICE REFUNDS

##### *Payment of short service refunds*

72 (1) A sum (a “short service refund”) is to be...

##### *Extinction of scheme benefits*

73 Payment of a short service refund extinguishes the rights of...  
Part N — TRANSFERS

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## CHAPTER 1

### TRANSFERS OUT

#### *Statement of entitlement*

- 74 (1) An individual's "transferable sum" is the amount of cash...

#### *Transfers to other pension schemes*

- 75 An individual's transferable sum must be transferred from the Pension...

#### *Enhancement of transferable sum*

- 76 (1) A transferable sum of less than amount A is...

#### *Reduction of transferable sum*

- 77 Where section 96(2) of the Pension Schemes Act 1993 (c....

#### *Transfer payment*

- 78 (1) Where rule 75 requires a transfer to be made,...

#### *Time limits*

- 79 The Fund trustees may extend any time limit set out...

#### *Extinction of scheme benefits*

- 80 A transfer under rule 75 extinguishes the rights of all...

## CHAPTER 2

### TRANSFERS IN

#### *Transfer in*

- 81 A sum (a "transfer-in sum") may be paid from another...

#### *Effect of transfer in*

- 82 (1) The reckonable service of any participating member in respect...

#### *Limitation on transfers in*

- 83 (1) A transfer-in sum is not to be paid if...  
Part O — ADDED YEARS

#### *Added years*

- 84 (1) A participating member may increase his or her reckonable...

#### *Buying added years by instalments*

- 85 (1) The Fund trustees may accept a participating member's application...

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*Interruption of service*

86 (1) This rule applies— (a) where an MSP member buying...

*Resumption of service as MSP member*

87 (1) This rule applies where— (a) an MSP member's application...

*Buying added years by lump sum*

88 (1) The Fund trustees may accept a participating member's application...

*Limitations on buying added years*

89 (1) The Fund trustees must reject an application to buy...

*Multiple applications*

90 The Fund trustees may accept more than one application by...  
Part P — PENSION SHARING

*Pension credit members*

91 (1) A “pension credit member” is an individual on whom...

*Pension debit members*

92 (1) A “pension debit member” is an individual whose scheme...

*Death of ex-partner before discharge of pension credit liability*

93 (1) This rule applies where an individual entitled to a...  
Part Q — DUAL MANDATE MSPS

*Dual mandate MSPs*

94 A “dual mandate MSP” is a serving MSP whose salary...

*Pension reduction for dual mandate MSPs*

95 The following adjustments are to be made when doing the...  
Part R — TAXES

*2004 Act terms*

96 In this Part— “the 2004 Act” means the Finance Act...

*Payment of lifetime allowance charge by scheme administrator*

97 (1) The scheme administrator may pay a lifetime allowance charge...

*Payment of lifetime allowance charge from Pension Fund*

98 (1) If rule 97(2) prevents the scheme administrator from paying...

*Deductions for tax arising on lump sum payments*

99 Any tax due under section 205 of the 2004 Act...

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*Reduction of benefits which would otherwise attract unauthorised charge*

100 Where an unauthorised charge would (but for this rule) arise...

*Prohibition on payments which would give rise to liability for certain taxes*

101 Nothing in the scheme authorises any payment from the Pension...

Part S — ACCOUNTS, AUDIT AND ACTUARIAL REPORTS

*Accounts and audit*

102 (1) The Fund trustees must keep proper accounts (and must,...

*Actuarial reports*

103 (1) The “scheme actuary” is the person appointed by the...

Part T — MISCELLANEOUS

*Dispute resolution procedure*

104 Section 50 of the Pensions Act 1995 (c. 26) requires...

*Guaranteed minimum pension*

105 (1) Any individual who is entitled to a guaranteed minimum...

*Restriction on assignability etc.*

106 Despite paragraphs (a) to (c) of section 91(5) of the...

*Payments due in respect of deceased individuals*

107 (1) This rule applies where a deceased's scheme entitlement is...

*Formal communications*

108 (1) A “formal communication” means any— (a) notice,

Part U — KEY TERMS

*Interpretation*

109 (1) In the scheme— “deferred pensioner” means an individual (other...

*Index*

110 The words and expressions listed in the left column of...

SCHEDULE 2 — Grants payable on leaving office

*MSP resettlement grant*

1 (1) The SPCB must pay a grant (an “MSP resettlement...

*MSP ill-health retirement grant*

2 (1) The SPCB must pay a grant (an “MSP ill-health...

*Amount of MSP grants*

3 (1) The amount of an MSP resettlement grant or MSP...

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*Office-holder resettlement grant*

4 (1) The SPCB must pay a grant (an “office-holder resettlement...

*Key terms*

5 The following terms have the same meaning in this schedule...

SCHEDULE 3 — Transitional provisions and savings

*Introductory*

1 (1) In this schedule— “new rules day” means the first...

*Continuation of scheme and transfer of Pension Fund*

2 Despite article A3 of the 1999 pensions order—

*Scheme participation*

3 An individual is not entitled to participate in the scheme...

*Scheme member contributions*

4 (1) An “existing participating member” is an individual who—

*Contributions from SPCB*

5 The determination under article D3(2) of the 1999 scheme rules...

*Reckonable service as an MSP*

6 (1) This paragraph applies to an individual who—

*Reckonable service as an office-holder*

7 (1) This paragraph applies to an individual who—

*Total reckonable service*

8 The total reckonable service of an individual who participated in...

*Special provision for participants reaching age of 75 before the new rules day*

9 (1) This paragraph applies to an individual who—

*Payment of pensions due on new rules day etc.*

10 Despite article A3 of the 1999 pensions order, the 1999...

*Entitlement of partners and children after new rules day*

11 Despite the preceding paragraph, the new scheme rules are to...

*Early retirement*

12 (1) An individual falls within this paragraph if the individual—...

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*Partner's and children's pensions*

13 (1) An individual falls within this paragraph if the individual—...

*5 year guarantee*

14 (1) The Fund trustees may, instead of continuing to pay...

*Deferred pensioner lump sums*

15 (1) This paragraph applies where a deferred pensioner lump sum...

*Short service refunds*

16 (1) Condition 3 of new scheme rule 72(1) does not...

*Transfers*

17 (1) When applying rule 76 in relation to an individual...

*Added years*

18 (1) This paragraph applies where an individual—

*AVC Scheme*

19 (1) Despite article A3 of the 1999 pensions order, the...

*Guaranteed minimum pension*

20 The reference in new scheme rule 105(1) to a “transfer-in...

*Presiding Officer and First Minister pension scheme*

21 (1) Despite article A3 of the 1999 pensions order, Part...

*General saving*

22 Despite article A3 of the 1999 pensions order, the 1999...

*Disapplication of scheme modifications*

23 The modifications set out in regulations made under paragraph 3...

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**Changes and effects yet to be applied to :**

- s. 3(4)-(7) substituted for s. 3(4) by [S.S.I. 2011/196 art. 3](#)
- Sch. 1 rule 85A inserted by [S.S.I. 2011/244 Annex para. 4](#)
- Sch. 1 rule 13 omitted by [S.S.I. 2011/244 Annex para. 1](#)
- Sch. 1 rule 49 text amended by [S.S.I. 2011/244 Annex para. 2](#)
- Sch. 1 rule 85(2) text amended by [S.S.I. 2011/244 Annex para. 3](#)
- Sch. 3 para. 18(2A) inserted by [S.S.I. 2011/244 Annex para. 5\(b\)](#)
- Sch. 3 para. 18(2)(a) text amended by [S.S.I. 2011/244 Annex para. 5\(a\)](#)