
Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Paragraph 59. (See end of Document for details)

SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

PART J

SURVIVING PARTNERS AND CHILDREN

CHAPTER 2

PARTNER'S PENSION ETC.

Enhancement of initial partner's pension

- 59 (1) This rule applies where amount A is less than amount B for any part of the 3 month period following the death of a participating member or a scheme pensioner.
- (2) Amount A is the total of—
- (a) the amount of partner's pension to be paid to the surviving partner for the 3 month period (or the relevant part of it), and
 - (b) the amount of children's pension to be paid to the surviving partner for the 3 month period (or the relevant part of it) on condition that the partner applies it for the benefit of an eligible child.
- (3) Amount B is—
- (a) where the deceased was a participating member, the amount of the salary payments which would have been paid for the 3 month period (or the relevant part of it) if the deceased had lived and had continued to be paid the same salary, or
 - (b) where the deceased was a scheme pensioner, the amount of scheme pension which would have been payable for the 3 month period (or the relevant part of it) if the deceased had lived.
- (4) Where this rule applies, the partner's pension is to be increased by the difference between amount A and amount B.
- (5) An individual who dies while being both—
- (a) a participating member, and
 - (b) a scheme pensioner whose pension payments are suspended under rule 41,
- is to be treated for the purposes of this rule as a participating member.

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