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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Cross Heading: MSP opt-out. (See end of Document for details)

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## SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

### PART C

#### PARTICIPATING MEMBERS

##### *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.

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Cross Heading: MSP opt-out.