

---

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Scottish Parliamentary Pensions Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

---

## SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

### PART G

#### RETIREMENT LUMP SUMS

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

- 44 (1) This rule applies to an individual who—
- (a) gives a valid commutation notice before reaching the age of 75, and
  - (b) would not (but for this rule) be entitled to be paid a scheme pension at that time by reason only of being a serving MSP or the holder of a pensionable office.
- (2) Despite rule 37(1)(c)—
- (a) an individual to whom this rule applies is to be entitled to be paid a scheme pension from the day before the member's 75th birthday, but
  - (b) the amount of scheme pension so payable is to be nil until the individual is neither an MSP nor the holder of a pensionable office.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Scottish Parliamentary Pensions Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- 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 85(2) words substituted by [S.S.I. 2011/244 Annex para. 3](#)
- sch. 1 rule 49 words substituted by [S.S.I. 2011/244 Annex para. 2](#)
- sch. 3 para. 18(2A) inserted by [S.S.I. 2011/244 Annex para. 5\(b\)](#)