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

SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

PART T

MISCELLANEOUS

Dispute resolution procedure

- 104 Section 50 of the Pensions Act 1995 (c. 26) requires the Fund trustees to make and implement arrangements for the resolution of disputes.

Guaranteed minimum pension

- 105 (1) Any individual who is entitled to a guaranteed minimum pension under the scheme in respect of any transfer-in sum is, on attaining pensionable age, to be paid a pension for the rest of the individual's life at a weekly rate of not less than his or her guaranteed minimum (if any) under sections 14 to 16 of the Pension Schemes Act 1993 (c. 48). “pensionable age” is to be construed in accordance with paragraph (a) of the definition of that term in section 181 of the Pension Schemes Act 1993 (c. 48).
- (2) The commencement of payment of a pension payable under this rule is to be postponed if the individual concerned is an MSP or the holder of a pensionable office on the day on which it becomes payable.
- (3) Such a postponement is to last—
- (a) until the earlier of—
 - (i) the day on which the individual is neither an MSP nor the holder of a pensionable office, or
 - (ii) the day falling 5 years after the first day of the postponement, or
 - (b) for such longer period as the individual may consent to.

Restriction on assignability etc.

- 106 Despite paragraphs (a) to (c) of section 91(5) of the Pensions Act 1995 (c. 26), assignments, surrenders and commutations of the type described in those paragraphs are not permitted in relation to scheme benefits (except insofar as permitted explicitly by any scheme rule).

Payments due in respect of deceased individuals

- 107 (1) This rule applies where a deceased's scheme entitlement is no more than the amount for the time being applicable in relation to the enactments mentioned in section 6 of the Administration of Estates (Small Payments) Act 1965 (c. 32). A deceased's “scheme entitlement” is the total of—
- (a) any amounts due to the deceased under the scheme at the time of death, and
 - (b) any amounts payable to the deceased's personal representatives under the scheme (ignoring any amounts due by way of interest accruing after death).
- (2) Where this rule applies, the Fund trustees need not require confirmation or other proof of title before paying amounts due to—

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- (a) the deceased's personal representatives, or
 - (b) any person appearing to the Fund trustees to be beneficially entitled to the deceased's estate.
- (3) The recipient of any amount so paid is to be liable to account for that amount (and the Fund trustees are to be relieved from any such liability).

Formal communications

- 108 (1) A “formal communication” means any—
- (a) notice,
 - (b) application,
 - (c) request, or
 - (d) certification,
- made or given under or for the purposes of this Act.
- (2) A formal communication must be in writing.
- (3) A formal communication is made or given to a person if it is—
- (a) delivered, or sent by post, to—
 - (i) where the formal communication is being delivered to the Fund trustees or an MSP, the Scottish Parliament,
 - (ii) where the formal communication is being sent to the holder of a pensionable office (who is not an MSP), the office-holder's principal office, or
 - (iii) in any other case, the usual or last known abode of the person to whom the formal communication is delivered or sent, or
 - (b) sent in some other way (including by electronic means) which the sender reasonably considers likely to cause it to be delivered on the same or next day.
- (4) A formal communication which is sent by electronic means is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (5) A formal communication sent in the way described in rule 108(3)(b) is, unless the contrary is proved, to be treated as having been delivered on the day after it is sent (or, if that day falls on a weekend or a bank holiday, on the next weekday which is not a bank holiday).

“bank holiday” means a day which is a bank holiday in Scotland by virtue of the Banking and Financial Dealings Act 1971 (c. 80).

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