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

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## SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

### PART U

#### KEY TERMS

##### *Interpretation*

109 (1) In the scheme—

“deferred pensioner” means an individual (other than a participating member or a scheme pensioner whose pension payments are suspended under rule 41) who is not entitled to receive a scheme pension by virtue only of being—

(a) aged under 65, or

(b) an MSP, or the holder of a pensionable office, who is aged 65 or over, “doctor” means a fully registered person within the meaning of the Medical Act 1983 (c. 54),

“elected” means returned as an MSP by virtue of the Scotland Act 1998 (c. 46) (and includes being appointed as an MSP by virtue of section 10 of that Act),

“final salary”, in relation to an MSP or the holder of a pensionable office, means—

(a) the MSP salary or, as the case may be, office-holder salary paid to the individual during the last 12 months (whether continuous or not) during which the individual was an MSP member or, as the case may be, office-holder member, or

(b) if the individual made scheme member contributions from MSP salary or, as the case may be, office-holder salary for fewer than 12 months, the amount determined by doing the following calculation—

$$A \times \frac{365}{B}$$

where—

“A” is the MSP salary or, as the case may be, office-holder salary paid to the individual during the period for which the individual was an MSP member or, as the case may be, office-holder member, and

“B” is the number of days for which the individual was an MSP member or, as the case may be, office-holder member,

“financial year” means a year ending with 31 March,

“guaranteed minimum pension” has the meaning given by section 8 of the Pension Schemes Act 1993 (c. 48),

“higher rate scheme member contribution” is a scheme member contribution of 11% of salary,

“ill-health pension” means—

(a) a serious ill-health pension,

(b) an ordinary ill-health pension, or

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- (c) a deferred pensioner's ill-health pension,
- “lower rate scheme member contribution” is a scheme member contribution of 6% of salary,
- “MSP” means a member of the Scottish Parliament (but also includes an individual to whom an MSP salary is payable after dissolution by virtue of section 83(4) of the Scotland Act 1998 (c. 46)),
- “ordinary general election day” means a day on which an ordinary general election is scheduled to be held under section 2(2) of the Scotland Act 1998 (c. 46),
- “participating member” means an individual who is an MSP member or an office-holder member (or both an MSP member and an office-holder member),
- “rule” means a rule set out in the scheme,
- “salary” means—
  - (a) in relation to an MSP, the salary payable by virtue of section 81(1) of the Scotland Act 1998 (c. 46) (including any salary payable because of section 83(4) of that Act), and
  - (b) in relation to an office-holder, the salary payable for holding office,
- and “MSP salary” and “office-holder salary” are to be construed accordingly,
- “salary payment” means—
  - (a) in relation to a participating member who is an MSP member only, a payment in respect of the member's MSP salary,
  - (b) in relation to a participating member who is an office-holder member only, a payment in respect of the member's office-holder salary,
  - (c) in relation to a participating member who is both an MSP member and an office-holder member, a payment in respect of the member's MSP salary or office-holder salary (or both salaries),
- “scheme member” means an individual who is—
  - (a) a participating member,
  - (b) a deferred pensioner, or
  - (c) a scheme pensioner,
- “scheme pensioner” means an individual—
  - (a) entitled to receive a scheme pension, or
  - (b) who would be so entitled but for rule 41(1),
- “SPCB” means the Scottish Parliamentary Corporate Body,
- “work” includes work—
  - (a) under a contract of employment, service or apprenticeship,
  - (b) as the holder of an office, or
  - (c) as a self-employed person.

- (2) References in the scheme to the amount of an individual's scheme pension are references to the amount of scheme pension payable to the individual under rule 37(2) and, unless the contrary intention appears, are to be read as including any reduction or enhancement to that amount attributable to—
  - (a) rules 43(2), 44(2), 46(4), 50 or 95, or
  - (b) section 31 of the Welfare Reform and Pensions Act 1999 (c. 30) or any other enactment,

and references to the annual amount of an individual's scheme pension are to be construed accordingly.

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- (3) References in the scheme to an amount of scheme member contributions “with interest” are references an amount equal to—
- (a) the amount of those contributions, and
  - (b) compound interest of 4% each year accruing from the date each contribution was paid (calculated with annual rests).

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