



# Scotland Act 1998

## 1998 CHAPTER 46

### PART V

#### MISCELLANEOUS AND GENERAL

#### *Remuneration of members of the Parliament and [<sup>F1</sup>Government]*

##### **Textual Amendments**

- F1** Pt. V: word in crossheading substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), [ss. 12\(2\)\(b\)](#), [44\(5\)](#) (with [s. 12\(3\)](#)); [S.I. 2012/1710](#), [art. 2\(f\)](#)

#### **81 Remuneration of members of the Parliament and [<sup>F2</sup>Government].**

- (1) The Parliament shall make provision for the payment of salaries to members of the Parliament and members of the [<sup>F3</sup>Scottish Government].
- (2) The Parliament may make provision for the payment of allowances to members of the Parliament or members of the [<sup>F3</sup>Scottish Government].
- (3) The Parliament may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who—
  - (a) has ceased to be a member of the Parliament or the [<sup>F3</sup>Scottish Government],  
or
  - (b) has ceased to hold such office, employment or other post in connection with the Parliament or the [<sup>F3</sup>Scottish Government] as the Parliament may determine but continues to be a member of the Parliament or the [<sup>F3</sup>Scottish Government].
- (4) Such provision may, in particular, include provision for—
  - (a) contributions or payments towards provision for such pensions, gratuities or allowances,

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- (b) the establishment and administration (whether by the Parliamentary corporation or otherwise) of one or more pension schemes.
- (5) In this section “provision” includes provision—
- (a) by an Act of the Scottish Parliament, or
- (b) by a resolution of the Parliament conferring functions on the Parliamentary corporation;
- and references to a member of the [<sup>F3</sup>Scottish Government] include a junior Scottish Minister.

#### Textual Amendments

- F2** Word in s. 81 heading substituted (3.7.2012) by Scotland Act 2012 (c. 11), ss. 12(2)(b), 44(5) (with s. 12(3)); S.I. 2012/1710, art. 2(f)
- F3** Words in Act substituted (3.7.2012) by Scotland Act 2012 (c. 11), ss. 12(2)(a), 44(5) (with s. 12(3)); S.I. 2012/1710, art. 2(f)

#### Modifications etc. (not altering text)

- C1** S. 81(3) extended (6.5.1999) by S.I. 1999/1081, art. 8

## 82 Limits on salaries of members of the Parliament.

- (1) The Parliament shall ensure that the amount of salary payable to a member of the Parliament in accordance with section 81 is reduced if any salary is payable to him—
- [<sup>F4</sup>(za) under section 4 of the Parliamentary Standards Act 2009 (salaries of members of the House of Commons),][<sup>F5</sup>or]
- (a) pursuant to a resolution (or combination of resolutions) of [<sup>F6</sup>the House of Lords] relating to the remuneration of members of that House, <sup>F7</sup>...
- <sup>F7</sup>(b) .....
- (2) The Parliament shall ensure that the amount of salary is reduced—
- (a) to a particular proportion of what it would otherwise be or to a particular amount, or
- (b) by the amount of any salary payable to the member as mentioned in subsection [<sup>F8</sup>(1)(za) or (a)], by a particular proportion of that amount or by some other particular amount.

#### Textual Amendments

- F4** S. 82(1)(za) inserted (24.5.2011) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 38, 52(2), Sch. 5 para. 11(2)(a); S.I. 2011/1274, art. 2(b)
- F5** Word in s. 82(1)(za) inserted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), Sch. 3 para. 16(2)(a) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F6** Words in s. 82(1)(a) substituted (24.5.2011) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 38, 52(2), Sch. 5 para. 11(2)(b); S.I. 2011/1274, art. 2(b)
- F7** S. 82(1)(b) and preceding word omitted (31.12.2020) by virtue of European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), Sch. 3 para. 16(2)(b) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F8** Words in s. 82(2)(b) substituted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), Sch. 3 para. 16(3) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)

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**83 Remuneration: supplementary.**

- (1) The Parliament shall ensure that information concerning sums paid as salaries, allowances, pensions or gratuities of the kind mentioned in section 81 is published for each financial year.
- (2) No payment of salary or allowances of the kind mentioned in section 81(1) or (2) shall be made to a person who is required by section 84 to take an oath unless he has done so.
- (3) Subsection (2) does not affect any entitlement to payments in respect of the period before the person concerned took the oath once he has done so.
- (4) For the purposes of sections 81 and 82, a person who is a member of the Parliament immediately before the Parliament is dissolved shall be treated—
  - (a) if he continues to hold office by virtue of section 19(2) or paragraph 1 of Schedule 2, as if he were such a member until the end of the day on which he ceases to hold such office, and
  - (b) if he does not fall within paragraph (a) but is nominated as a candidate at the subsequent general election, as if he were such a member until the end of the day on which the election is held.
- (5) Different provision may be made under section 81 or 82 for different cases.

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Remuneration of members of the Parliament and Government.