
Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Paragraph 89. (See end of Document for details)

SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

PART O

ADDED YEARS

Limitations on buying added years

- 89 (1) The Fund trustees must reject an application to buy added years if the corresponding increase in reckonable service, when taken with the applicant's anticipated reckonable service, would (but for rule 38(2) or 39(4)) entitle the applicant to—
- (a) an annual MSP pension of more than the individual's annual MSP pension cap, or
 - (b) an annual office-holder pension of more than the individual's annual office-holder pension cap.
- (2) An applicant's "anticipated reckonable service" is the reckonable service as an MSP or, as the case may be, office-holder which the applicant would obtain if he or she—
- (a) continued as an MSP member (and continued making scheme member contributions at the same rate) until—
 - (i) where applying to buy by monthly instalments, the end of the period for which instalments are payable, or
 - (ii) where applying to buy by lump sum, the next ordinary general election day, or
 - (b) continued to hold the same office and to be an office-holder member (and continued making scheme member contributions at the same rate) until—
 - (i) where applying to buy by monthly instalments, the end of the period for which instalments are payable, or
 - (ii) where applying to buy by lump sum, the next ordinary general election day (or such other day as the Fund trustees may determine).
- (3) The Fund trustees must reject an application to buy added years if they consider—
- (a) that an annual allowance charge may arise under section 227 of the Finance Act 2004 (c. 12) in respect of the applicant in any tax year in which an instalment or lump sum would be payable if the application were accepted,
 - (b) that a lifetime allowance charge may arise under section 214 of the Finance Act 2004 (c. 12) in respect of the applicant (or may so arise if the application were accepted), or
 - (c) that the total of—
 - (i) the amount which the applicant would pay for added years in any tax year, and
 - (ii) the amount of scheme member contributions to be made by the applicant in that year,would exceed 20% of the salary payments to be made to the applicant in that year.

Changes to legislation:

There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Paragraph 89.