

Status: Point in time view as at 01/09/2009.

Changes to legislation: There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Chapter 2. (See end of Document for details)

SCHEDULE 1 SCOTTISH PARLIAMENTARY PENSION SCHEME

PART J

SURVIVING PARTNERS AND CHILDREN

CHAPTER 2

PARTNER'S PENSION ETC.

Partner

- 57 (1) “Partner”, in relation to any deceased individual, means—
- (a) the individual's spouse or civil partner, or
 - (b) where no such person survives the deceased, any individual falling within this rule.
- (2) An individual falls within rule 57(1)(b) if—
- (a) the deceased nominated the individual as his or her partner by giving notice to the Fund trustees at least 6 months before death, and
 - (b) the Fund trustees are satisfied—
 - (i) that the individual and the deceased lived together as if they were husband and wife or, as the case may be, civil partners for the period of 2 years which immediately preceded the deceased's death,
 - (ii) that neither the individual nor the deceased lived with any other person in such a relationship (or with a spouse or civil partner) during that period,
 - (iii) that, during that period—
 - (A) the individual was financially dependant on the deceased, or
 - (B) the individual's financial relationship with the deceased was one of mutual dependence, and
 - (iv) that the individual and the deceased were not, immediately before the deceased died, prevented by law from either marrying or becoming civil partners.

Partner's pension

- 58 (1) A pension (a “partner's pension”) is to be paid to a surviving partner of any scheme member who dies.
- (2) The annual partner's pension so payable is 5/8ths of the deceased's scheme pension entitlement.

Enhancement of initial partner's pension

- 59 (1) This rule applies where amount A is less than amount B for any part of the 3 month period following the death of a participating member or a scheme pensioner.
- (2) Amount A is the total of—

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- (a) the amount of partner's pension to be paid to the surviving partner for the 3 month period (or the relevant part of it), and
 - (b) the amount of children's pension to be paid to the surviving partner for the 3 month period (or the relevant part of it) on condition that the partner applies it for the benefit of an eligible child.
- (3) Amount B is—
- (a) where the deceased was a participating member, the amount of the salary payments which would have been paid for the 3 month period (or the relevant part of it) if the deceased had lived and had continued to be paid the same salary, or
 - (b) where the deceased was a scheme pensioner, the amount of scheme pension which would have been payable for the 3 month period (or the relevant part of it) if the deceased had lived.
- (4) Where this rule applies, the partner's pension is to be increased by the difference between amount A and amount B.
- (5) An individual who dies while being both—
- (a) a participating member, and
 - (b) a scheme pensioner whose pension payments are suspended under rule 41,
- is to be treated for the purposes of this rule as a participating member.

Duration of partner's pension

- 60 (1) A partner's pension is payable from the day after the day on which the deceased partner died.
- (2) Pension payments need not begin unless the individual entitled to them has given the Fund trustees—
- (a) notice of that entitlement, and
 - (b) such information as they may reasonably require—
 - (i) about the surviving partner's entitlement to any other pension,
 - (ii) to calculate their liability for a lifetime allowance charge or any other tax,
 - (iii) to make the payments.

This rule does not affect the date from which a partner's pension is payable.

- (3) Pension payments are to continue for the rest of the surviving partner's life.
- (4) Pension payments are to be made monthly in arrears (or in such other instalments of no longer than one year as the Fund trustees may determine).

Partner's trivial lump sum

- 61 (1) The Fund trustees may pay a lump sum (a “partner's trivial lump sum”) to an individual who is entitled to a partner's pension if the following conditions are met—

Condition 1

The individual applies to the Fund trustees for payment of a partner's trivial lump sum instead of a partner's pension.

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<i>Condition 2</i>	No payment relating to the deceased has been made to the individual by way of— (a) a partner's pension, or (b) a death in service lump sum.
<i>Condition 3</i>	The individual is not entitled to receive pension payments under rule 69.
<i>Condition 4</i>	The Fund trustees are satisfied that, if paid, the partner's trivial lump sum would be a “trivial commutation lump sum death benefit” for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (c. 12).

- (2) The amount of a partner's trivial lump sum is to be an amount equal to the value of the individual's scheme benefits (as determined by the Fund trustees).
- (3) Such a determination must be—
 - (a) certified by the scheme actuary, or
 - (b) made in accordance with guidance or tables prepared by the scheme actuary.
- (4) Payment of a partner's trivial lump sum extinguishes all the individual's rights to receive scheme benefits in respect of the deceased.

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