



# Scottish Parliamentary Pensions Act 2009

## 2009 asp 1

### **1 Scottish Parliamentary Pension Scheme**

- (1) The Scottish Parliamentary Pension Scheme is to continue but is to be governed from the coming into force of this section in accordance with the rules set out in schedule 1.
- (2) The Scottish Parliamentary Contributory Pension Fund (and all the SPCB's functions, rights, liabilities and obligations in relation to that Fund) are transferred to and vest in the Fund trustees appointed and holding office in accordance with those rules.
- (3) Schedule 3 makes further transitional provisions and savings.

### **2 Grants payable on leaving office**

Schedule 2 sets out circumstances in which the SPCB is to pay grants to individuals when they stop being MSPs or holding certain offices.

### **3 Modification of pension schemes etc.**

- (1) The Scottish Parliament may resolve to modify—
  - (a) the Scottish Parliamentary Pension Scheme,
  - (b) the grants scheme set out in schedule 2, or
  - (c) the pension scheme for First Ministers and Presiding Officers which is comprised in Part S of the 1999 pensions order.
- (2) A resolution may, in particular, modify—
  - (a) the rules set out in schedule 1,
  - (b) schedules 2 or 3, or
  - (c) the 1999 pensions order.
- (3) A resolution may—
  - (a) make different provision for different purposes,
  - (b) make provision having retrospective effect.
- (4) The Clerk of the Parliament must send a copy of a resolution to the Queen's Printer for Scotland immediately after it is passed.

Articles 5, 7(1), 8 and 9 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 ([S.I. 1999/1096](#)) apply in relation to that copy resolution as if it were a Scottish statutory instrument.

#### **4 Interpretation**

In this Act—

“1999 pensions order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Scottish Parliamentary Pension Scheme) Order 1999 ([S.I. 1999/1082](#)),

“Scottish Parliamentary Pension Scheme” means the pension scheme constituted by the 1999 pensions order (but does not include the pension scheme for First Ministers and Presiding Officers which is comprised in Part S of that order),

“Scottish Parliamentary Contributory Pension Fund” means the fund established by article B1 of the 1999 pensions order, and

“SPCB” means the Scottish Parliamentary Corporate Body.

#### **5 Commencement**

- (1) The following provisions come into force on Royal Assent—
  - sections 4 and 6
  - this section
  - rules 4 and 8 to 11 of schedule 1 (and section 1(1) in so far as it introduces them)
  - paragraphs 1, 4 and 9 of schedule 3 (and section 1(3) in so far as it introduces those paragraphs)
- (2) Section 3 also comes into force on Royal Assent (but, during the period before the rest of this Act comes into force, a motion for a resolution under that section may be moved only by a member of the SPCB).
- (3) The rest of this Act comes into force on the first day of the month which follows the month which includes the day falling 6 months after Royal Assent.

#### **6 Short title**

This Act is called the Scottish Parliamentary Pensions Act 2009.