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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 244**

**The Scottish Parliamentary Pensions Act 2009 (Modifications to the Scottish Parliamentary Pensions Scheme) Resolution 2011**

ANNEX

MODIFICATIONS TO SCOTTISH PARLIAMENTARY PENSION SCHEME

1. Rule 13 (member-nominated trustees) of schedule 1 to the 2009 Act is omitted.
2. In rule 49 (deferred pensioner's ill-health pension) of schedule 1 to the 2009 Act, for "4 and 5" substitute "5 and 6".
3. In rule 85 (buying added years by instalments) of Schedule 1 to the 2009 Act, in sub-paragraph (2) for "irrevocable" substitute "revocable by the member giving notice to the Fund trustees".
4. After rule 85, insert—

**"Revocation of accepted application**

**85A.**—(1) This rule applies—

- (a) where an MSP member buying added years by monthly instalments revokes the application before paying the last instalment; and
- (b) where an office-holder member (who is not an MSP) buying added years by monthly instalments revokes the application before paying the last instalment.

(2) Where this rule applies no more instalments are payable and the individual's reckonable service as an MSP or, as the case may be, office-holder is increased by a number of added years calculated as follows—

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

where—

"A" is the number of added years the individual applied to buy,

"B" is the period (in days) in respect of which instalments have been paid, and

"C" is the period (in days) for which instalments would have been paid had the individual remained in the scheme continuously and not revoked the application."

5. In paragraph 18 (added years) of schedule 3 to the 2009 Act—
  - (a) in sub-paragraph (2)(a), after "effect" insert ", subject to the modifications in sub-paragraph (2A),"; and
  - (b) after sub-paragraph (2) insert—
    - (a) "(2A) in paragraph 3 of Schedule 5 to the 1999 scheme rules for "irrevocable on and from the date when the Parliamentary corporation accepts it" substitute "revocable by the member giving notice in writing to the Fund trustees", and

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(b) after paragraph 3, insert—

“**3A.** Where a participating member buying added years by periodical contributions revokes the application before paying the last instalment—

(a) no more instalments are payable; and

(b) the Fund trustees must calculate the number of added years in respect of which the periodical contributions have been paid as follows—

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

where—

“A” is the number of added years the individual applied to buy;

“B” is the period (in days) in respect of which instalments have been paid; and

“C” is the period (in days) for which instalments would have been paid in accordance with paragraph 4(a) had the individual not revoked the application.””