
STATUTORY INSTRUMENTS

1999 No. 1082

The Scotland Act 1998 (Transitory and Transitional Provisions)
(Scottish Parliamentary Pension Scheme) Order 1999

PART J

ILL-HEALTH PENSIONS

Ill-health pensions for former members or office holders

J2.—(1) A person who because of ill-health has, while neither a member of the Parliament nor a candidate for election to it nor an office holder, retired from gainful work before attaining the age of 65 may apply to the Parliamentary corporation for an early pension under article F1 or F2, if at the time when he so retired he would have become entitled to receive a pension under article F1 or F2, as the case may be, but for his not having attained the age of 65.

(2) If on an application under this article the Parliamentary corporation is satisfied—

- (a) that the applicant does not intend to seek election to the Parliament or to accept any future offer of a qualifying office;
- (b) that his retirement from gainful work was a direct consequence of his ill-health; and
- (c) that his ill-health is such as would prevent him from performing adequately the duties of a member of the Parliament,

the applicant shall, as from the date on which the Parliamentary corporation is so satisfied, be entitled to receive a pension under the relevant article.

(3) Where an application is made under this article, the Parliamentary corporation shall by notice in writing inform the applicant whether it is so satisfied as mentioned in paragraph (2) and, if it is so satisfied, shall state the date as from which the pension payable to him by virtue of this article is payable in accordance with that paragraph.

(4) In this regulation “gainful work” means work under a contract of employment, or as the holder of an office, or as a self-employed person engaged in a business or profession, being in any case work from which the person concerned gains the whole or a substantial part of his income.