
STATUTORY INSTRUMENTS

1999 No. 1082

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

PART K

SURVIVING SPOUSES AND CHILDREN

Meaning of “basic or prospective pension or pensions”

- K5.—**(1) In this Order “basic or prospective pension or pensions” means—
- (a) in relation to a participant who has died, the annual amount of the pension or pensions specified in whichever of the following paragraphs apply to him:—
 - (i) where the deceased was or had been a participating member, the annual amount of the pension calculated in respect of him in accordance with article F3 or, if he died while a participating member before attaining the age of 65, the annual amount of the pension calculated in respect of him by virtue of article K3;
 - (ii) where the deceased was or had been a participating office holder, the annual amount of the pension, calculated in accordance with article F3, which he would have been entitled to receive under article F2, if immediately before his death he had fulfilled the conditions specified in sub-paragraphs (a) to (c) of article F1(1);
 - (b) in relation to a pensioner who has died, the annual amount of the pension or pensions which he received or was entitled to receive calculated in accordance with Part F, including an ill- health pension calculated in accordance with Part J: Provided that where the annual amount of which he was in receipt resulted from one or more reductions or abatements made under article G1 (commutation) or H1 or H2 (early retirement), no such reduction or abatement shall be made in calculating the annual amount of that pension or pensions for the purposes of this article;
 - (c) in relation to a deferred pensioner who has died, the annual amount of the pension or pensions specified in whichever of the following sub-paragraphs apply to him:—
 - (i) where the deceased was a former participating member, the annual amount of the pension, calculated in accordance with article F3, which he would have been entitled to receive under article F1 if he had ceased to be a member of the Parliament immediately before his death and he had then fulfilled the conditions specified in sub-paragraphs (a) to (c) of article F1(1);
 - (ii) where the deceased was a participating office holder, the annual amount of the pension, calculated in accordance with article F3, which he would have been entitled to receive under article F2 if immediately before his death he had fulfilled the conditions specified in sub-paragraphs (a) to (c) of article F1(1).