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STATUTORY INSTRUMENTS

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**1999 No. 1082**

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

PART L

DEATH GRATUITIES

**Gratuity on death after retirement**

**L2.**—(1) Where a pensioner dies and no pension in respect of him is payable under article K1 or K2, the Parliamentary corporation may, if it thinks fit, but subject to paragraph (2), grant to his executors a gratuity under this article.

(2) The Parliamentary corporation shall not grant a gratuity under this article if the amount of any such gratuity would be less than the amount of any lump sum or the aggregate of any lump sums payable by virtue of article M4(2) or M7.

(3) For the purpose of determining the amount of a gratuity which may be granted in respect of a pensioner under this article, there shall be calculated—

- (a) the amount of the gratuity which the Parliamentary corporation could have granted to his executors under article L1 if he had died at a time when he was a participant (but disregarding any office holder's salary to which he was then entitled); and
- (b) the aggregate amount of the payments made to him by way of pension under Part F, H or J together with any lump sum paid to him under article G1,

and the amount of the gratuity shall be the amount (if any) by which the amount calculated under sub-paragraph (a) exceeds the amount calculated under sub-paragraph (b) of this paragraph.