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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 in service**

**L1.**—(1) Where a participant has died the Parliamentary corporation may, if it thinks fit, grant a gratuity under this article in respect of him.

(2) A gratuity granted under this article in respect of a participant shall be granted—

- (a) to the person or persons nominated in any nomination made by him for the purposes of this article which was in force at the time of his death; or
- (b) if no such nomination was in force at that time or, pursuant to paragraph (4), to the extent that a nomination is treated as not being in force, to his executors.

(3) Where a participant nominates more than one person for the purposes of this article, he may also specify the proportion of the gratuity to be granted to each such person.

(4) The Parliamentary corporation shall treat a nomination made for the purposes of this section by any participant as not being in force at the time of the participant's death to the extent that—

- (a) any person nominated was the participant's spouse at the time the nomination was made but has subsequently ceased to be the participant's spouse; or
- (b) it is of the opinion that the payment of the gratuity to any person nominated is not reasonably practicable in all the circumstances.

(5) A nomination for the purposes of this article shall be made, and may be revoked, by a notice in writing given to the Parliamentary corporation; and such a notice shall be in such form as the Parliamentary corporation may require.

(6) The amount of a gratuity granted under this article in respect of a participant shall be the greater of—

- (a) the amount equal to three times his salary at the time of his death; and
- (b) the aggregate of the contributions paid by that participant, and not refunded to him, together with interest on each such contribution from the date on which it was paid,

but shall be subject to an overall maximum of three times the permitted maximum.

(7) In paragraph (6) "salary" has the same meaning as in article D1(2).

**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.

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(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.