

SCOTTISH PARLIAMENTARY PENSIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2 grants Payable on Leaving Office

Paragraph 2: MSP ill-health retirement grant

468. [Paragraph 2](#) makes provision for the payment of an MSP ill-health retirement grant. The SPCB must pay the grant, upon application, where the MSP resigns during a parliamentary session in direct consequence of a health condition which prevented the MSP from carrying out their duties as an MSP.
469. An ill-health retirement grant is only payable where the MSP resigns during the parliamentary session ([paragraph 2\(1\)\(a\)](#)). If an MSP stands down after an election for ill-health reasons they will be entitled to an MSP resettlement grant ([paragraph 1](#)). An MSP is not entitled to receive both a resettlement grant and an ill-health retirement grant.
470. An ill-health retirement grant is not payable automatically. [Paragraph 2](#) provides that an application must be made in writing to the SPCB. The SPCB must be satisfied that the resignation is a direct consequence of the ill-health and that the member would not, as a result, be able to continue to perform their duties as an MSP adequately.
471. [Paragraph 2\(2\)](#) enables the SPCB to request that the member who has applied for the grant provides medical evidence from a doctor about the health condition. Additionally, [paragraph 2\(2\)](#) enables the SPCB to require the MSP to be examined by a doctor nominated by it. It is for the SPCB to decide who is to pay for any examination carried out by the nominated doctor and where that examination should take place. It is anticipated that, where an examination is carried out under [paragraph 2\(2\)\(b\)](#), a copy of any report prepared on the examination will be given to the applicant. The SPCB could, for example, satisfy itself as to an individual's state of health using similar considerations to those set out in Part I of the pension scheme.