
STATUTORY INSTRUMENTS

1999 No. 1081

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

The Scotland Act 1998 (Transitory and Transitional Provisions) (Grants to Members and Officeholders) Order 1999

<i>Made</i>	- - - -	<i>29th March 1999</i>
<i>Laid before Parliament</i>		<i>12th April 1999</i>
<i>Coming into force</i>	- -	<i>6th May 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 112(1), 113 and 129(1) of the Scotland Act 1998⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Scotland Act 1998 (Transitory and Transitional Provisions) (Grants to Members and Officeholders) Order 1999, and shall come into force on 6th May 1999.

Period of application of this Order

2. This Order shall apply until the coming into force of provision, in accordance with section 81(3) of the Scotland Act 1998, for the payment of gratuities to persons ceasing to be members of the Scottish Parliament.

Resettlement grant for members

- 3.—(1) Any person who—
- (a) is a member of the Parliament immediately before its dissolution; and
 - (b) at the general election consequent upon the dissolution either—
 - (i) does not stand for return as a constituency member or as a regional member, or
 - (ii) if he does, is not so returned,
- shall be entitled to receive payment of a grant under this article.

(2) The amount of the grant shall be equal to the relevant percentage of the annual salary payable to members of the Parliament immediately before the dissolution.

(3) For the purposes of paragraph (2) “the relevant percentage” is that shown in the Schedule in relation to—

- (a) the person’s age at the dissolution; and
- (b) the number of complete years of his service as a member of the Parliament before the dissolution.

(4) In determining a person’s length of service as a member of the Parliament, any period which was taken into account (or disregarded) in calculating the amount of grant previously payable to him under this article or under article 4 shall be disregarded.

Ill-health retirement grant for members

4.—(1) Any person who ceases to be a member of the Parliament by resigning his seat on grounds of ill-health before attaining the age of 65 may apply to the Parliamentary corporation for payment of a grant under this article.

(2) If on an application under paragraph (1) the Parliamentary corporation is satisfied that—

- (a) the applicant does not intend to seek re-election to the Parliament;
- (b) his ceasing to be a member was a direct consequence of his ill-health; and
- (c) his ill-health is such as would prevent him from performing adequately the duties of a member of the Parliament,

the applicant shall, subject to paragraph (3), be entitled to receive payment of an amount equal to that which would have been payable under article 2 had that article been applicable to him on his ceasing to be a member of the Parliament.

(3) In the event that a person is entitled to a grant under both articles 3 and 4 on his ceasing to be a member of the Parliament, only the grant under article 3 shall be payable.

Medical evidence for ill-health retirement grant

5.—(1) Every application under article 4(1) shall be accompanied by evidence from a medical practitioner of the applicant’s state of health.

(2) In the case of any such application the Parliamentary corporation may require the applicant to undergo a medical examination by a medical practitioner nominated by it for the purpose; and the fees for any such examination shall be borne by the Parliamentary corporation or the applicant, as the Parliamentary corporation may determine.

Grants to persons ceasing to hold certain offices

6.—(1) Where a person who has not attained the age of 65—

- (a) ceases to hold a relevant office; and
- (b) does not again become the holder of a relevant office within a period of three weeks thereafter,

he shall be entitled to payment of a grant under this article.

(2) The amount of the grant shall be an amount equal to one quarter of the annual salary that was being paid to that person in respect of that office immediately before he ceased to hold it.

(3) No grant shall be payable under this article where a person has ceased to hold a relevant office on his death.

(4) In this article “a relevant office” means the office of—

- (a) any member of the Scottish Executive, other than that of First Minister;
 - (b) any of the Junior Scottish Ministers;
 - (c) deputy Presiding Officer;
 - (d) the Leader of the a Non-Executive Party; or
 - (e) the Chief Business Manager of a qualifying party.
- (5) For the purposes of paragraph (4)–
- “Chief Business Manager” means, in relation to qualifying party, the member of the Parliament from time to time nominated as such for the purposes of this Order by the Leader of that party;
- “Leader” means, in relation to a qualifying party, the member of the Parliament who is for the time being the leader in the Parliament of that party;
- “Non-Executive Party” means a qualifying party, other than any such party with which any member of the Parliament who is also a member of the Scottish Executive or a junior Scottish Minister is connected;
- “qualifying party” means a registered political party with which at least 10 members of the Parliament are connected.
- (6) Where a person ceases on a dissolution of the Parliament to hold any office mentioned in paragraph (4)(d) or (e), paragraph (1)(b) shall have effect in relation to his ceasing to hold that office on the dissolution as if for the words “three weeks” there were substituted the words “six weeks”.

Payment of grant

7. Any grant payable under this Order shall be paid by the Parliamentary corporation.

Treatment of grant for tax purposes

8. Any grant paid under this Order shall, for the purposes of section 190 of the Income and Corporation Taxes Act 1988(2), be deemed to have been paid under section 81(3) of the Scotland Act 1998.

St Andrew’s House,
Edinburgh
29th March 1999

Helen Liddell
Minister of State, Scottish Office

(2) 1988 c. 1; section 190 was amended by the Ministerial and other Pensions Act 1991 (c. 5), section 4(10).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 3(3)

PERCENTAGES OF YEARLY SALARY

Age	Number of complete years of service						
	Under 10	10	11	12	13	14	15 or over
Under 50	50	50	50	50	50	50	50
50	50	50	52	54	56	58	60
51	50	52	55	58	62	65	68
52	50	54	58	63	67	72	76
53	50	56	62	67	73	78	84
54	50	58	65	72	78	85	92
55 to 64	50	60	68	76	84	92	100
65	50	58	65	72	78	85	92
66	50	56	62	67	73	78	84
67	50	54	58	63	67	72	76
68	50	52	55	58	62	65	68
69	50	50	52	54	56	58	60
70 or over	50	50	50	50	50	50	50

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provision for the payment by the Parliamentary corporation of resettlement grants and ill-health retirement grants to members of the Scottish Parliament, and of severance grants to holders of certain offices.

A resettlement grant is payable under article 3 to a member who, at a general election to the Parliament, does not stand for re-election, or who stands but is not re-elected. The amount of the grant is a percentage of the member's salary, determined by reference to the person's age and length of service as a member of the Parliament.

An ill-health retirement grant may be paid under article 4 to a member who resigns his seat on grounds of ill-health before attaining the age of 65. It is equal to the level of resettlement grant which would have been payable under article 3, had that been applicable on the person's ceasing to be a member of the Parliament. The Parliamentary corporation must be satisfied, among other things, about the person's ill health before any entitlement to payment arises.

A severance grant is payable under article 6 to an office holder who ceases to hold that office before attaining the age of 65 and does not again become an office holder within three, or in some

circumstances six, weeks thereafter. An office holder is defined in article 6(4) to include, among others, any member of the Scottish Executive (apart from the First Minister) and any Junior Scottish Minister.

By virtue of article 8, any grant paid under the Order is exempt from income tax.