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STATUTORY INSTRUMENTS

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**1999 No. 1097**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Transitory and Transitional  
Provisions)(Salaries and Allowances) Order 1999**

<i>Made</i>	- - - -	<i>8th April 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<sup>(1)</sup> 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) (Salaries and Allowances) Order 1999 and shall come into force on 6th May 1999.

**Interpretation**

2.—(1) In this Order—

“the Act” means the Scotland Act 1998;

“general election” means an ordinary or extraordinary general election for membership of the Parliament held under section 2 or section 3 of the Act; and

“year” means a year starting with 1st April.

(2) For the purposes of this Order, a person who is a member of the Parliament immediately before the Parliament is dissolved shall be treated—

(a) if he continues to hold office by virtue of section 19(2) (term of office of the Presiding Officer and deputies) of, or paragraph 1 of Schedule 2 (term of office of members of the Parliamentary corporation) to, the Act, as if he were such a member until the end of the day on which he ceases to hold such office; and

(b) if he does not fall within sub-paragraph (a) but is nominated as a candidate at the subsequent general election, as if he were such a member until the end of the day on which the election is held.

(3) In this Order, any reference to a numbered article is to the article bearing that number in this Order, and any reference in an article of this Order to a numbered paragraph is to the paragraph bearing that number in that article.

### **Period of application of this Order**

3.—(1) The provisions of this Order, other than this article and article 9, shall cease to apply on the coming into force of any provision made by the Parliament, in accordance with section 81(1) of the Act (salaries of members of the Parliament etc.), for the payment of salaries to members of the Parliament or members of the Scottish Executive and junior Scottish Ministers.

(2) Article 9 shall cease to apply on the coming into force of any provision made by the Parliament, in accordance with section 81(2) of the Act (allowances for members of the Parliament etc.) for the payment of allowances to members of the Parliament.

### **Salaries payable to members of the Parliament**

4.—(1) Subject to paragraph (2), there shall be payable to every member of the Parliament a salary at the yearly rate of £40,092.

(2) For any period during which a salary is payable to a member of the Parliament pursuant to a resolution (or combination of resolutions) of either House of Parliament relating to the remuneration of members of that House, or under section 1 of the European Parliament (Pay and Pensions) Act 1979(2) (remuneration of United Kingdom MEPs), the yearly rate of the salary payable by virtue of this article to that member for that period shall be reduced by two-thirds.

(3) The salary payable by virtue of this article to a member of the Parliament shall be payable for the period beginning with the day on which he is declared to be returned as a member of the Parliament and ending with the day on which he ceases to be a member of the Parliament.

### **Salaries payable to Presiding Officer and deputy Presiding Officer**

5.—(1) In addition to any salary payable by virtue of article 4—

(a) there shall be payable to a member of the Parliament holding the office of Presiding Officer a salary at the yearly rate of £33,360; and

(b) there shall be payable to a member of the Parliament holding the office of deputy Presiding Officer a salary at the yearly rate of £17,305.

(2) The salary payable by virtue of this article to a member of the Parliament holding any such office shall be payable for the period during which he holds that office.

### **Salaries payable to members of the Scottish Executive and junior Scottish Ministers**

6.—(1) In addition to any salary payable by virtue of article 4, there shall be payable to the holder of any office specified in the first column of the Schedule to this Order a salary at the yearly rate specified in relation to that office in the second column of that Schedule.

(2) If the holder of the office of Lord Advocate or Solicitor General for Scotland is not a member of the Parliament, the yearly rate specified in relation to that office in the second column of the Schedule shall be increased by the amount of the yearly rate of salary that would be payable to him by virtue of article 4 if he were a member of the Parliament.

(3) The entries in the Schedule relating to the Lord Advocate and the Solicitor General for Scotland and paragraph (2) shall take effect from the coming into force of section 44(1)(c) of the Act(3).

(4) The salary payable by virtue of this article to the holder of any office specified in the first column of the Schedule to this Order shall be payable for the period during which he holds that office.

#### **Annual up-rating of salaries**

7.—(1) For each year, from the year starting with 1st April 2000 onwards, the yearly rate of any salary payable under this Order shall be increased by the relevant percentage.

(2) The relevant percentage is the average percentage by which the mid-points of the nine Senior Civil Service pay bands below that of Permanent Secretary having effect from 1st April of the year concerned have increased compared with the previous 1st April.

(3) The mid-point of a Senior Civil Service pay band is the point half way between the maximum and the minimum.

#### **Supplementary provision as to salaries**

8.—(1) The yearly rate specified in this Order in relation to any salary payable under this Order shall be taken to be the maximum amount so payable in any year and accordingly—

- (a) notwithstanding the provisions of this Order as to any such rate, the salary so payable in any year may be of a lesser amount than that so specified; and
- (b) where any period, or part of a period, for which a salary is payable under this Order is less than a year, the maximum amount of salary so payable for that period, or part of that period, shall be a proportionate part of the yearly rate.

(2) Any salary payable by virtue of article 4 or 5 shall be paid by the Parliamentary corporation.

(3) Any salary payable by virtue of article 6 shall be payable out of the Scottish Consolidated Fund.

(4) A person to whom any salary is payable by virtue of article 5 or 6 shall be entitled to receive only one such salary, but if he is the holder of two or more offices in respect of which a salary is so payable and there is a difference between the yearly rate of salaries payable in respect of those offices, the office in respect of which a salary is payable to him shall be that in respect of which the highest salary is payable.

#### **Expenses of members of the Parliament**

9.—(1) The Parliamentary corporation may, on an application for the purpose made to it by a member of the Parliament in accordance with paragraph (2), make payments to that member by way of reimbursement of any accommodation expenses and travelling expenses necessarily incurred by that member on or after 7th May 1999 in attending any meeting of the Parliament, or otherwise in performing his duties as a member of the Parliament.

(2) An application by a member of the Parliament under this article shall be made in writing and shall be accompanied by receipts, vouchers or other evidence of the incurring of the expenses in respect of which a payment is sought under this article.

(3) In this article—

“accommodation expenses” means the actual cost of any overnight stay in a hotel, up to such maximum amount per night as the Parliamentary corporation may determine;

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(3) In terms of article 2 of, and Schedule 4 to, the Scotland Act 1998 (Commencement) Order 1998 (S.I.1998/3178), section 44(1) (c) of the Act comes into force on 20th May 1999.

“public transport” means any service or services provided to the public at large for the carriage of passengers by road, rail, air or sea; and

“travelling expenses” means—

- (a) the actual cost of any travel ticket purchased or fare paid in making a journey, or part of a journey, by public transport to or from any place in the United Kingdom; and
- (b) where such a journey, or any part thereof, is made by means of a motor vehicle owned, hired or wholly maintained by the member, such amount per mile travelled on the journey, or that part of the journey, by means of that vehicle as the Parliamentary corporation may determine.

(4) The Parliamentary corporation may make different determinations under paragraph (3) for different purposes or for different cases or different classes of case.

St Andrew’s House,  
Edinburgh  
8th April 1999

*Henry McLeish*  
Minister of State, Scottish Office

## SCHEDULE

Article 6

## Salaries of members of the Scottish Executive and junior Scottish Ministers

<i>Office</i>	<i>Yearly rate of salary</i> £
First Minister	64,308
Lord Advocate	43,585
Solicitor General for Scotland	31,515
Member of the Scottish Executive other than the First Minister, the Lord Advocate or the Solicitor General for Scotland	33,360
Junior Scottish Minister	17,305

**EXPLANATORY NOTE***(This note is not part of the Order)*

This is an Order making provision for transitory and transitional purposes in connection with the coming into force of section 81(1) and (2) of the Scotland Act 1998 (c. 46) (“the Act”). The Order makes provision, to have effect until the coming into force of any provision made by the Scottish Parliament in accordance with section 81(1) of the Act, for the payment of salaries to—

- (a) members of the Scottish Parliament (MSPs), subject to a reduction of two-thirds in the case of any MSP who is also entitled to a salary as a member of either House of Parliament or as a member of the European Parliament (article 4);
- (b) MSPs holding the office of Presiding Officer or deputy Presiding Officer (article 5); and
- (c) the members of the Scottish Executive and junior Scottish Ministers (article 6).

The Order also makes provision, to have effect until the coming into force of any provision made by the Parliament in accordance with section 81(2) of the Act, for the reimbursement of accommodation and travelling expenses necessarily incurred by MSPs in attending meetings of the Parliament or otherwise in performing their duties as MSPs (article 9).

The remaining provisions of the Order are supplementary.