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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 C**

**MEMBERSHIP**

**Membership for office holders**

**C2.**—(1) An office holder who—

- (a) has not at any time held the office of First Minister;
- (b) has not exercised an option under article C4; and
- (c) is either—
  - (i) a participating member; or
  - (ii) being either the Lord Advocate or Solicitor General for Scotland, not a member of the Parliament,

shall be a participating office holder in the Scheme in respect of any period of tenure of a qualifying office.

(2) In this Order “period of tenure of a qualifying office” means any continuous period for which a person is—

- (a) the holder of one and the same qualifying office; or
- (b) the holder successively of two or more qualifying offices in respect of which the same salary is payable.

(3) In this Order “qualifying office” means any of the following offices—

- (a) any member of the Scottish Executive, except the First Minister;
- (b) any of the Junior Scottish Ministers;
- (c) Deputy Presiding Officer;
- (d) Leader of a Non-Executive Party;
- (e) Chief Business Manager of a qualifying party;

and “office holder” means the holder of a qualifying office.

(4) For the purposes of paragraph (3)—

“Chief Business Manager” means, in relation to a 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;

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**Status:** *This is the original version (as it was originally made).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

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“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 party with which at least 10 members of the parliament are connected.