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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 M

FIVE YEAR GUARANTEE

**Guarantees where children but no spouse survive**

**M3.**—(1) Where a pensioner member dies during the pensioner member's five year period and is survived by an eligible child or children, but no spouse, paragraph (2) shall apply.

(2) There shall be paid to the executors of the deceased pensioner member a lump sum which shall be calculated by deducting the amount mentioned in sub-paragraph (a) below from the amount mentioned in sub-paragraph (b) below—

- (a) the total of any pensions payable under article K2 (by direction of the Parliamentary corporation under article K2(3)) for the benefit of any eligible child or children of the deceased pensioner member, if the annual sum payable under article K2(2) (after the death of the pensioner member) in respect of each eligible child were to continue during the period ending on the pensioner member's children's prospective pension end date for that child;
- (b) the amount which would have been payable to the deceased pensioner member if the annual amount of the pension to which he was entitled under article F1 (including an early retirement pension or an ill-health pension payable by virtue of article H1, J1 or J2) were to have been paid to him during the remainder of the pensioner member's five year period after his death.