STATUTORY INSTRUMENTS

# 1999 No. 1082

# CONSTITUTIONAL LAW DEVOLUTION, SCOTLAND

The Scotland Act 1998 (Transitory and Transitional Provisions) (Scottish Parliamentary Pension Scheme) Order 1999

Made	29th March 1999
Laid before Parliament	12th April 1999
Coming into force	6th May 1999

## THE SCOTLAND ACT 1998 (TRANSITORY AND TRANSITIONAL PROVISIONS) (SCOTTISH PARLIAMENTARY PENSION SCHEME) ORDER 1999

## PART A

## PRELIMINARY

- 1. Citation and commencement
- 2. Interpretation
- A3 Period of application of this Order

## PART B

## ESTABLISHMENT AND ADMINISTRATION OF FUND

- B1 Establishment of Fund
- B2 Administration of Fund

## PART C

## MEMBERSHIP

- C1 Membership for members of the Parliament
- C2 Membership for office holders
- C3 Right to opt out for members of the Parliament
- C4 Right to opt out for office holders
- C5 Right to opt in for members of the Parliament
- C6 Right to opt in for office holders

**Status:** This is the original version (as it was originally made).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

#### PART D

## CONTRIBUTIONS

- D1 Contributions by participants
- D2 Earnings cap
- D3 Contributions from Scottish Consolidated Fund

#### PART E

#### RECKONABLE SERVICE

- E1 Actual reckonable service
- E2 Aggregate reckonable service

## PART F

#### PENSION ENTITLEMENT

- F1 Entitlement of pensioner members
- F2 Entitlement of pensioner office holders
- F3 Amount payable to pensioners
- F4 Amount payable to "dual mandate" pensioners
- F5 Permitted maximum pensions
- F6 Duration of pensions

#### PART G

#### COMMUTATION

G1 Commutation into lump sum

#### PART H

#### EARLY RETIREMENT AND EARLY ABATED PENSIONS

- H1 Early retirement for members
- H2 Early retirement for office holders who have been members

## PART J

#### ILL-HEALTH PENSIONS

- J1 Ill-health pensions based on service as a participant
- J2 Ill-health pensions for former members or office holders
- J3 Medical evidence

#### PART K

#### SURVIVING SPOUSES AND CHILDREN

- K1 Pensions for surviving spouses
- K2 Pensions for children
- K3 Death in service of participating member
- K4 Enhancement of initial surviving spouses' pensions
- K5 Meaning of "basic or prospective pension or pensions"

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#### PART L

## DEATH GRATUITIES

- L1 Gratuity on death in service
- L2 Gratuity on death after retirement

#### PART M

## FIVE YEAR GUARANTEE

- M1 Entitlement
- M2 Guarantees for surviving spouses
- M3 Guarantees where children but no spouse survive
- M4 Guarantees where no survivors
- M5 Remarriage or cohabitation of surviving spouse
- M6 Early termination of child's period of full-time education or training
- M7 Deceased pensioner office holders

#### PART N

### REFUNDS

- N1 Refund to contributor
- N2 Refund after death
- N3 Deduction of tax from refunds of contributions

### PART P

#### TRANSFERS

- P1 Transfers to other pension schemes
- P2 Transfers to other pension schemes after opt-out
- P3 Transfer to overseas pension schemes
- P4 Effect of transfers out on reckonable service
- P5 Certification by the Government Actuary
- P6 Transfers from other pension schemes

#### PART Q

#### ADDED YEARS

Q1 Purchase of added years by participating members

#### PART R

## ADDITIONAL VOLUNTARY CONTRIBUTIONS

R1 Additional voluntary contributions by participants

#### PART S

#### SPECIAL PENSION PROVISION FOR FIRST MINISTER AND PRESIDING OFFICER

- S1 Pension for First Minister and Presiding Officer
- S2 Pension for dependants of First Minister or Presiding Officer
- S3 Pensions met out of Scottish Consolidated Fund

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#### PART T

## MISCELLANEOUS AND SUPPLEMENTAL

- T1 Non-assignability of benefits
- T2 Payments due to deceased persons Signature

#### SCHEDULE 1 — SCOTTISH PARLIAMENTARY CONTRIBUTORY PENSION FUND

- 1. Management of Fund
- 2. The Parliamentary corporation shall review any acquisition or disposal of...
- 3. Upon a review pursuant to paragraph 3, the Parliamentary corporation...
- 4. Accounts and actuarial report
- 5. The Auditor General for Scotland shall examine and certify every...
- 6. The Government Actuary shall prepare an actuarial report on the...
- 7. Expenses
- 8. Section 21(6) of the Scotland Act 1998 shall not apply...

## SCHEDULE 2 — MAXIMUM PENSIONS

- 1. In this Schedule, unless the context otherwise requires- "index" at...
- 2. This Schedule sets out the maximum pension payable to a...
- 3. (1) On retirement at any time after age 50, except...

SCHEDULE 3 —

#### PART I — COMMUTATION OF PENSIONS

- 1. (1) In this Schedule, unless the context otherwise requires- "N"...
- 2. Maximum commutation for members (including those retiring on grounds of ill-health)
- 3. Maximum commutation for members on early retirement
- 4. Maximum commutation for office holders (including those retiring on grounds of ill-health)
- 5. Maximum commutation for office holders on early retirement
- 6. Earnings cap

#### PART II — MAXIMUM COMMUTATION OF PENSIONS

# SCHEDULE 4 — PERCENTAGE ABATEMENT OF PENSION ENTITLEMENT

1. The pension to which a person is entitled by virtue...

## SCHEDULE 5 — PURCHASE OF ADDED YEARS

- 1. In this Schedule, unless the context otherwise requires- "payment for...
- 2. Purchase of added years by periodical contributions
- 3. An application by a participating member to purchase added years...
- 4. Where an application by a participating member to purchase added...
- 5. Interrupted service
- 6. Purchase of added years by lump sum
- 7. Lump sum payments
- 8. Limits on purchase of added years
- 9. Further applications to purchase added years
- 10. General

## SCHEDULE 6 — ADDITIONAL VOLUNTARY CONTRIBUTIONS

- 1. Interpretation
- 2. Administration
- 3. AVC contributors
- 4. Contributions
- 5. Investment of contributions
- 6. Benefits which may be provided
- 7. Payment of lump sums on death
- 8. Purchase of pensions
- 9. Leaving the AVC Scheme
- 10. Maximum benefits
- 11. Surplus monies
- 12. Surrender at the request of the Parliamentary corporation
- 13. Taxation
- 14. Expenses

Explanatory Note