SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 7

Retirement benefits

CHAPTER 5

Review of ill-health benefits

Entitlement to enhanced upper tier ill-health pension following claim for payment

102.—(1) This regulation applies if—

(a) the employer carries out a review under regulation 100(4) (review of lower tier ill-health pension); and

(b) the selected medical practitioner gives a report on the questions referred under regulation 107(2) containing the decision that P is permanently medically unfit for engaging in any regular employment.

(2) P is entitled to payment of an enhanced upper tier ill-health pension from the claim date, calculated in accordance with regulation 94 (annual rate of ill-health pension under this scheme) and payable in accordance with this regulation in addition to the lower tier ill-health pension.

(3) The enhanced upper tier ill-health pension is payable in respect of each month as from the claim date.

(4) P is not taken to claim payment of an enhanced upper tier ill-health pension if the claim date is more than 5 years after the date on which P became entitled to payment for life of the lower tier ill-health pension.

(5) The time limit in paragraph (4) does not apply if P's medical unfitness is attributable to a progressive medical condition which, of its nature, could have been expected, as at the time of P's retirement, to affect P with increasing severity.

(6) In this regulation—

"claim date" means the date on which the employer is notified that P's medical unfitness has worsened; and

"progressive medical condition" means—

(a) a medical condition specified in Schedule 2 (progressive medical conditions); or

(b) a medical condition specified on a list published by the Scottish Ministers for the purpose of this regulation.