
STATUTORY INSTRUMENTS

2015 No. 445

The Police Pensions Regulations 2015

PART 7

Retirement benefits

CHAPTER 4

Reduction of ill-health benefits

Referral of medical question for purpose of reduction of benefits

106.—(1) This regulation applies if the scheme manager is considering the exercise of powers under regulation 107 (reduction of pension in case of default).

(2) The scheme manager must refer to a selected medical practitioner for decision the question whether the person has brought about or substantially contributed to the medical unfitness by the person's own default.

(3) The decision of the selected medical practitioner on the question referred under this regulation must take the form of a report.

(4) A copy of the report must be given to the scheme manager and to the member.

(5) That report is final, subject to—

- (a) an appeal against the decision under Schedule 1; or
- (b) the referral of the decision for reconsideration under Schedule 1.

Reduction of pension in case of default

107.—(1) This regulation applies in relation to—

- (a) a deferred member of this scheme who on the ground of permanent medical unfitness for engaging in any regular employment becomes entitled under regulation 91(3) to payment of a full retirement pension before reaching the member's state pension age⁽¹⁾;
- (b) an active member of this scheme who becomes entitled under Chapter 3 to payment of an ill-health pension under this scheme; or
- (c) a pensioner member of this scheme who becomes entitled under Chapter 5 to payment of an enhanced upper tier ill-health pension.

(2) The scheme manager may reduce the amount of full retirement pension or ill-health pension under this scheme by an amount not exceeding a half of that to which the member would otherwise be entitled if the selected medical practitioner gives a report on the question referred under regulation 106 (referral of medical question for purpose of reduction of benefits) containing the decision that the member has become medically unfit by the member's own default.

(1) See regulation 91(3) for when a full retirement pension comes into payment early on grounds of permanent medical unfitness.

(3) For the purpose of this regulation, the selected medical practitioner may decide that the member has become medically unfit by the member's own default if, in the opinion of the selected medical practitioner, the member has brought about, or has substantially contributed to, the member's medical unfitness.

(4) The reduction of a pension under this regulation ceases to have effect—

- (a) in respect of a member mentioned in paragraph (1)(a) or (b), when the member reaches normal pension age under this scheme; or
- (b) in respect of a member mentioned in paragraph (1)(c), when the member reaches the member's state pension age.

(5) When the member reaches the member's state pension age, if the reduced pension is less than the amount of full retirement pension that would have been payable to the member under regulation 91(2) had the member reached the member's state pension age when the member left eligible service, the scheme manager must increase the pension to that amount.

(6) The member may appeal under regulation 207 (appeals to Crown Court) or 208 (appeals to Secretary of State) against the decision of the scheme manager to reduce a pension under this regulation.

Refusal to be medically examined

108. The scheme manager may make a decision under this Chapter on such evidence and medical advice as the scheme manager in its discretion thinks necessary if—

- (a) the question in regulation 106 (referral of medical question for purpose of reduction of benefits) is referred to a selected medical practitioner for decision; and
- (b) the member wilfully or negligently fails to submit to any medical examination or to attend any interviews that the selected medical practitioner considers necessary in order to make a decision.

Decision of scheme manager void if appeal against decision of selected medical practitioner is successful

109. A decision of the scheme manager under this Chapter is void if—

- (a) the selected medical practitioner decides that the member has brought about or substantially contributed to the medical unfitness by the member's own default;
- (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
- (c) the appeal board decides that the member did not bring about or substantially contribute to the medical unfitness by the member's own default.