

## SCHEDULES

### SCHEDULE 4

#### COUNCILLOR MEMBERS

#### PART 4

##### Ill-health Retirement

1. For regulation 36 (early payment of retirement pension on ill-health grounds: active members) substitute—

“36.—(1) Where a councillor member who has qualifying service for a period of two years or more ceases to be a member of the councillor member’s district council on the grounds that—

- (a) the councillor member’s ill-health or infirmity of mind or body renders the councillor member permanently incapable of discharging efficiently any gainful employment; and
- (b) the councillor member, as a result of ill-health or infirmity of mind or body, has a reduced likelihood of being capable of undertaking any gainful employment, whether in local government or otherwise, before reaching normal pension age,

the Committee may, at the request of the employing authority, determine that the councillor member’s retirement pension comes into payment before the councillor member’s normal pension age in accordance with this regulation.

(2) If a councillor member satisfies the conditions in paragraphs 36(1)(a) and 36(1)(b) then the councillor member shall take early payment of a retirement pension.

(3) The amount of the retirement pension that a councillor member who satisfies the conditions mentioned in paragraphs 36(1)(a) and 36(1)(b) receives is determined by which of the benefit tiers specified in paragraphs 36(4) and 36(5) that councillor member qualifies for, calculated in accordance with regulation 39 (calculation of ill-health pension amounts).

(4) A councillor member is entitled to Tier 1 benefits if that councillor member is unlikely to be capable of undertaking any gainful employment before normal pension age.

(5) A councillor member is entitled to Tier 2 benefits if that councillor member—

- (a) is not entitled to Tier 1 benefits; and
- (b) is likely to become capable of undertaking any gainful employment before reaching normal pension age.

(6) Before determining whether a councillor who has ceased to be a member of a district council is entitled to a benefit under this regulation, the Committee shall obtain a certificate, in accordance with regulation 38 (role of the IRMP), from an IRMP qualified in occupational health medicine who is appointed by the Committee.”