
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 113

The Police Pensions Regulations (Northern Ireland) 2015

PART 6

Retirement on grounds of permanent medical unfitness

CHAPTER 2

Compulsory ill-health retirement

Application of Chapter

- 77.** This Chapter applies in relation to a member of the police service (“the member”)—
- (a) who is an active member of this scheme; or
 - (b) who, for the purpose of determining entitlement to payment of benefits to or in respect of the member, is taken to be an active member of this scheme⁽¹⁾.
 - (c) This Part does not apply to a member who falls within regulation 4(1)(d).

Member of the police service engaged on relevant service

- 78.** For the purpose of this Part—
- (a) a member of the police service who falls within regulation 4(1)(a) engaged on relevant service under section 27 of the 1998 Act is taken to be a member of the police service; and
 - (b) in relation to a member, “the employer” means the police pension authority for the police service.

Referral of medical questions for purpose of regulation 80

79.—(1) Before considering whether a person in service as a member of the police service who falls within regulation 4(1)(a) (“the member”) should be compulsorily retired under this Part, the police pension authority must refer the following questions to a selected medical practitioner for decision—

- (a) whether the member is medically unfit for performing the ordinary duties of a member of the police service;
 - (b) whether that medical unfitness is likely to be permanent;
 - (c) whether the member is medically unfit for engaging in any regular employment; and
 - (d) whether that medical unfitness is likely to be permanent.
- (2)** The selected medical practitioner must—
- (a) examine or interview the member as the selected medical practitioner thinks appropriate;

⁽¹⁾ See Chapter 1 Part 4 (active membership) for where a member of the police service is taken to be an active member of the scheme.

- (b) decide the questions referred to the selected medical practitioner under paragraph (1); and
 - (c) give the police pension authority and the member a report and certificate containing a decision on those questions.
- (3) Before considering whether a person in service as a member of the police service who falls within regulation 4(1)(b) or (c) (“the member”) should be compulsorily retired under this Part, the Chief Constable must refer the following questions to a selected medical practitioner for decision—
- (a) whether the member is medically unfit for performing the ordinary duties of a member of the police service;
 - (b) whether that medical unfitness is likely to be permanent;
 - (c) whether the member is medically unfit for engaging in any regular employment; and
 - (d) whether that medical unfitness is likely to be permanent.
- (4) The selected medical practitioner must—
- (a) examine or interview the member as the selected medical practitioner thinks appropriate;
 - (b) decide the questions referred to the selected medical practitioner under paragraph (1); and
 - (c) give the Chief Constable and the member a report and certificate containing a decision on those questions.

Compulsory retirement on grounds of permanent medical unfitness

80.—(1) This regulation applies if —

- (a) in respect of a member—
 - (i) who falls within regulation 4(1)(a), the police pension authority refers questions relating to the member’s permanent medical unfitness to a selected medical practitioner under regulation 79(1) (referral of medical questions for purpose of regulation 80); or
 - (ii) who falls within regulation 4(1)(b) or (c), the Chief Constable refers questions relating to the member’s permanent medical unfitness of a selected medical practitioner under regulation 79(3) (referral of medical questions for purpose of regulation 80);
 - (b) the selected medical practitioner gives—
 - (i) in respect of a member who falls within regulation 4(1)(a), the police pension authority and the member, a report and certificate under that regulation; or
 - (ii) in respect of a member who falls within regulation 4(1)(b) or (c), the Chief Constable and the member, a report and certificate under that regulation; and
 - (c) the report and certificate contains the decision that the member is permanently medically unfit for performing the ordinary duties of a member of the police service.
- (2) That report and certificate is final, subject to—
- (a) a review under Chapter 4 of Part 7;
 - (b) an appeal under Schedule 1 against the decision of the selected medical practitioner; or
 - (c) the referral under Schedule 1 of the decision of the selected medical practitioner for reconsideration.
- (3) In respect of a member who falls within regulation 4(1)(a), the police pension authority after considering all the relevant circumstances and all the advice and information available to the police pension authority (including input from the member)—

- (a) may require the member to retire on the date the police pension authority considers the member ought to retire on the grounds that the member is permanently medically unfit for performing the ordinary duties of a member of the police service; or
 - (b) may require the member to continue to serve as a member of the police service.
- (4) In respect of a member who falls within regulation 4(1)(b) or (c), the Chief Constable after considering all the relevant circumstances and all the advice and information available to the Chief Constable (including input from the member) —
- (a) may require the member to retire on the date the Chief Constable considers the member ought to retire on the grounds that the member is permanently medically unfit for performing the ordinary duties of a member of the police service; or
 - (b) may require the member to continue to serve as a member of the police service.

Compulsory retirement of member who was required to continue to serve

81.—(1) This regulation applies if, under regulation 80 (compulsory retirement on grounds of permanent medical unfitness), where the police pension authority in respect of a member who falls within regulation 4(1)(a) requires the member to continue to serve as a member of a police service.

(2) The police pension authority at any time in its discretion it determines may consider whether the member’s medical unfitness has ceased, significantly worsened or significantly improved.

(3) In considering the matters mentioned in paragraph (2), the police pension authority must refer the following questions to a selected medical practitioner for decision—

- (a) whether the member continues to be medically unfit for performing the ordinary duties of a member of the police service; and
- (b) if so, whether—
 - (i) the member is also medically unfit for engaging in any regular employment; and
 - (ii) that medical unfitness is likely to be permanent.

(4) The selected medical practitioner must examine or interview the member as the selected medical practitioner thinks appropriate.

(5) If the selected medical practitioner decides that the member continues to be to be medically unfit for performing the ordinary duties of a member of the police service, the selected medical practitioner does not need to decide if that medical unfitness is likely to be permanent.

(6) The selected medical practitioner must give the police pension authority and the member a report and a certificate containing the decisions on the questions referred under paragraph (3).

(7) 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.

(8) The police pension authority must require the member to retire on the ground that the member is permanently medically unfit for performing the ordinary duties of a member of the police service if, after considering all the relevant circumstances and all the advice and information available to the police pension authority, the police pension authority determines that the member ought to retire.

Compulsory retirement void if appeal is successful

82. The compulsory retirement of a member under this Part is void if—

- (a) the selected medical practitioner decides that a member is permanently medically unfit for performing the ordinary duties of a member of the police service;

- (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
- (c) the Independent Medical Referee decides that the member is not permanently medically unfit for performing the ordinary duties of a member of the police service.