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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 113**

**The Police Pensions Regulations (Northern Ireland) 2015**

**PART 7**

**Retirement benefits**

**CHAPTER 3**

**Ill-health pension**

**Payment thresholds**

**99.**—(1) An active member of this scheme who meets the lower tier threshold for payment of an ill-health pension (“lower tier threshold”) if the selected medical practitioner gives a report and certificate under Part 6 containing the decision that —

- (a) the member is permanently medically unfit for performing the ordinary duties of a member of the police service; but
- (b) the member is not permanently medically unfit for engaging in any regular employment.

(2) A member of this scheme meets the upper tier threshold for payment of an ill-health pension (“upper tier threshold”) if the selected medical practitioner gives a report under Part 6 containing the decision that the member is permanently medically unfit for engaging in any regular employment.

**Entitlement to payment of ill-health pension**

**100.**—(1) An active member of this scheme who has not reached normal pension age under this scheme is entitled to the payment for life of an ill-health pension under this Chapter if the conditions in paragraph (2) are met.

(2) The conditions are—

- (a) the police pension authority acting in exercise of its functions as employer requires the member to retire on a date determined by the police pension authority (or the Chief Constable as the case may be) under Part 6 (compulsory ill-health retirement);
- (b) the member has at least 2 years’ qualifying service or is permanently medically unfit as the result of an injury received without the member’s default in the execution of duty; and
- (c) the member is eligible under this scheme for payment of ill-health benefits.

(3) An ill-health pension under this Chapter is payable as follows—

- (a) if the member meets the lower tier threshold, a lower tier ill-health pension is payable;
- (b) if the member meets the upper tier threshold—
  - (i) a lower tier ill-health pension is payable; and
  - (ii) an enhanced upper tier ill-health pension is payable.

(4) A retirement added pension of any description is payable with a lower tier ill-health pension if the retirement account specifies an amount of retirement added pension of that description.

(5) For a transition member with continuity of service, a transition member's ill-health pension is payable under paragraph 23 of Schedule 4.

(6) For a pensioner member who becomes entitled to an enhanced upper tier ill-health pension under regulation 110 or 111, an ill-health pension is payable in accordance with that regulation.

### Payment of ill-health pension

**101.**—(1) For the purpose of an appeal to the Department under regulation 206, an active member of this scheme is taken to claim payment of an ill-health pension under this Chapter on the date on which the member is required to retire under Part 6.

(2) An ill-health pension under this Chapter is payable to the member in respect of each month as from the date on which the member was required to retire under Part 6.

### Annual rate of ill-health pension under this scheme

**102.**—(1) The annual rate of ill-health pension under this scheme<sup>(1)</sup> is calculated as follows<sup>(2)</sup>.

(2) The annual rate of a lower tier ill-health pension is calculated in the same way as the annual rate of retirement earned pension<sup>(3)</sup> is calculated under regulation 96 (annual rate of full retirement pension (active members)), but without subtracting the early payment reduction.

(3) The annual rate of any retirement added pension payable with a lower tier ill-health pension is calculated in the same way as it is calculated under regulation 96 (annual rate of full retirement pension (active members)), but without subtracting the early payment reduction.

(4) The annual rate of an enhanced upper tier ill-health pension payable to a member whose aggregate period of service is less than 5 years is the lesser of—

(a)  $\text{total accrued earned pension} \times 3$ ; and

(b)  $\frac{\text{final pay}}{55.3} \times \frac{\text{assumed period of pensionable service}}{2}$

where —

“total accrued earned pension” means —

- (a) for a 2006 transition member with continuity of service, the total amount of accrued earned pension under both this scheme and 2006 scheme; or
- (b) for any other member, the amount of accrued earned pension under this scheme.

“assumed period of pensionable service” means the period (expressed in years) —

- (a) beginning with the day after the member's period of service ceased; and
- (b) ending with the day before the day on which the member will reach normal pension age under this scheme (assuming that the member lives until that age); and

“final pay” has the meaning given in regulation 158.

(5) In the case of a member who falls within regulation 4(1)(b) at the date of his retirement, the assumed period of pensionable service for the purpose of paragraph (4)(b) or (5), as the case may be, shall be calculated by the application of the following fraction

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(1) For the annual rate of a transition member's ill-health pension, see Schedule 4, Part 6.  
(2) An ill-health pension is payable from the day after the date on which the police pension authority requires the member to retire under Part 6.  
(3) Regulation 42 provides for the calculation of an amount of accrued earned pension. This amount forms the basis for determining the amount of retirement earned pension under regulation 66. The annual rate of retirement earned pension in relation to active members is calculated under regulation 96.

$$\frac{(A \times 365)}{(B \times C)}$$

where—

A is the total contracted annual hours for a member who falls within regulation 4(1)(b) (and a proportion of those hours for each partial year);

B is the number of hours per week if service was on a full-time basis for a member who falls within regulation 4(1)(a) or (c); and

C is the number of week's service in a full year for an officer who falls within regulation 4(1)(a) or (c).

for the period beginning with the date of member's retirement and ending on the day immediately before that on which he would reach normal retirement age.

(6) The annual rate of an enhanced upper tier ill-health pension payable to a member whose aggregate period of service is 5 years or more is—

$$\frac{\text{final pay}}{55.3} \times \frac{\text{assumed period of pensionable pay}}{2}$$

where—

“assumed period of pensionable service” has the same meaning as in paragraph (4);

“final pay” has the meaning given in regulation 158;

(7) In this regulation, “aggregate period of service” means—

(a) for a 2006 transition member with continuity of service—

(i) the member's continuous period of pensionable service under this scheme; and

(ii) the member's pensionable service under the 2006 scheme before the member's transition date; or

(b) for any other member, the member's continuous period of pensionable service under this scheme.

(8) In calculating the aggregate period of service under this regulation for a member who falls within regulation 4(1)(b), a period of service counts as if it were a period of full-time service, but this paragraph does not apply so as to affect any references to assumed period of pensionable service under this regulation.

(9) For a member whom the scheme manager determines under regulation 34 (re-determination of eligibility for ill-health benefits) is eligible under this scheme for payment of ill-health benefits, the member's continuous period of pensionable service under this scheme is taken to begin on the date of that determination.

(10) In calculating a member's aggregate period of service, a period of part-time service for a member who falls within regulation 4(1)(a) or (c) under this scheme or under the 2006 scheme counts as if it were a period of full-time service.

(11) In calculating a member's assumed period of pensionable service (“the assumed period”), the member is taken to be in part-time service during the assumed period for the same proportion of time as the member was in part-time service during the member's aggregate period of service.

### **Deferment of added pension attributable to recent payments**

**103.**—(1) This regulation applies in relation to a member of this scheme—

(a) who is entitled to payment for life of an ill-health pension under this scheme; and

- (b) whose active member's account as at the end of the last day of pensionable service specifies an amount of accrued added pension that is attributable in whole or in part to a lump sum payment for added pension made under Schedule 3 within the 12 months before the relevant day.
- (2) The member becomes a deferred member of this scheme in respect of that amount of accrued added pension and accordingly—
  - (a) a deferred member's account must be established under Part 5 (pension accounts);
  - (b) that amount of accrued added pension must be specified in the deferred member's account as the provisional amount of the relevant description of deferred added pension; and
  - (c) that amount of accrued added pension is not included in the calculation of the annual rate of retirement added pension payable with the lower tier ill-health pension.
- (3) In paragraph (1), "the relevant day" means —
  - (a) the day on which the police pension first referred the questions under regulation 79 (referral of medical questions for purpose of Regulation 80) to the selected medical practitioner for a decision by virtue of which the member is entitled to payment of the ill-health pension; or
  - (b) if the member was on sick leave on that day and did not return to service from that leave, the day on which that leave began.