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STATUTORY RULES OF NORTHERN IRELAND

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**2023 No. 122**

**The Police Pensions (Remediable Service)  
Regulations (Northern Ireland) 2023**

**PART 7**

Provision about special cases

CHAPTER 1

Ill-health retirement

**Deciding whether a 1988 IHR member is entitled to an upper tier award**

**51.**—(1) This regulation applies where—

- (a) M is a 1988 IHR member, and
- (b) the question of whether M is permanently medically unfit for engaging in any regular employment within the meaning of Part 6 of the 2015 Regulations has not been referred to a selected medical practitioner.

(2) The police pension authority must refer the following questions to a selected medical practitioner—

- (a) whether M was, at the time of the original decision or at any time during the relevant period, medically unfit for engaging in any regular employment, and
- (b) whether that medical unfitness was likely to be permanent.

(3) The selected medical practitioner must—

- (a) examine or interview M if the selected medical practitioner thinks it is necessary to do so to decide either of the questions referred under paragraph (2),
- (b) decide the questions referred under paragraph (2), and
- (c) give the police pension authority and M a report and certificate containing a decision on those questions.

(4) Regulation 80(2) of, and Schedule 1 to, the 2015 Regulations applies to the report and certificate mentioned in paragraph (3)(c) as they apply in relation to the report and certificate mentioned in regulation 79(2)(c) of those Regulations.

(5) For the purpose of deciding the questions in paragraph (2)—

- (a) the selected medical practitioner may only have regard to information that was available or could have been produced during the relevant period;
- (b) the following provisions of the 2015 Regulations apply as they apply for the purpose of deciding a question under Part 6 of those Regulations—
  - (i) regulation 73(2) to (4) (receipt of appropriate medical treatment);

(ii) regulation 74(3)(c) and (d) (criteria for deciding whether a member is permanently medically unfit for engaging in any regular employment).

(6) Where the selected medical practitioner decides both of the questions referred under paragraph (2) in the affirmative, M is to be treated for the purposes of PSPJOA 2022 and of these Regulations as meeting the requirements for an upper tier award in the reformed scheme (as defined in regulation 50(3) of these Regulations).

(7) Schedule 1 to the 2015 Regulations applies in relation to a report and certificate containing a decision of the selected medical practitioner in accordance with this regulation as it applies in relation to a report and certificate by the selected practitioner containing a medical decision in accordance with those Regulations.

(8) In this regulation—

“medical unfitness” has the meaning given in regulation 72(1) of the 2015 Regulations;

“original decision” means the decision under Part H of the 1988 Regulations by virtue of which M was deemed permanently disabled;

“progressive medical condition” means a medical condition which —

- (a) of its nature, could have been expected, as at the time of M’s retirement, to affect M with increasing severity, and
- (b) is a progressive medical condition within the meaning given by regulation 110(6) of the 2015 Regulations.

“relevant period” means the period—

- (a) beginning with the time of the original decision, and
- (b) ending on the earlier of—
  - (i) except where the original decision attributed M’s permanent disablement a progressive medical condition, five years after the time of the original decision;
  - (ii) the beginning of the day on which M reaches 60 years of age;
  - (iii) the time when an immediate choice decision or a deferred choice decision is made, or deemed to be made, in relation to M’s remediable police service.

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**Commencement Information**

**II** Reg. 51 in operation at 1.10.2023, see **reg. 1(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023, Section 51.