

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (SCOTLAND)

PART 9

REVIEW, WITHDRAWAL AND FORFEITURE OF AWARDS

Consequences of review

2.—(1) If, on such consideration as is mentioned in rule 1(1) of this Part, it is found that a person who is in receipt of a higher tier ill-health pension has become capable of undertaking regular employment, the person's entitlement to that pension shall cease with immediate effect.

(2) Subject to paragraph (3), a lower tier ill-health pension shall continue to be paid to a person who ceases to be entitled to a higher tier ill-health pension.

(3) If—

(a) on such consideration as is mentioned in rule 1(1) of this Part, it is found that a person who is in receipt of a lower tier ill-health pension has become capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health; and

(b) the authority make the person an offer of employment in that role (“a paragraph (3)(b) offer”),

the person's entitlement to a lower tier ill-health pension shall cease, with immediate effect, whether or not the person accepts or declines the offer.

(4) A person who accepts or declines a paragraph (3)(b) offer becomes entitled to a deferred pension under rule 3 of Part 3.

(5) If, on such consideration as is mentioned in rule 1(2) of this Part, it is found that a person whose deferred pension is being paid early has become capable of undertaking regular employment, the person's entitlement to early payment of the deferred pension shall cease with immediate effect.