
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 6

Retirement pensions payable on grounds of permanent medical unfitness

CHAPTER 1

General

Medical unfitness

64. In these Regulations—

“infirmity” means a disease, injury, or medical condition, and includes a mental disorder, injury or condition;

“injury” includes any injury or disease, whether of body or of mind; and

“medical unfitness”, in relation to a member of the police force or a former member of the police force, means inability occasioned by infirmity of mind or body—

- (a) to perform the ordinary duties of a member of the police force; or
- (b) to engage in any regular employment.

Permanent medical unfitness

65.—(1) In these Regulations, a reference to a member of the police force or a former member of the police force (“the member”) being permanently medically unfit is taken to be a reference to—

- (a) the member being medically unfit at the time the selected medical practitioner decides the question; and
- (b) that medical unfitness being at that time likely to be permanent.

(2) For the purpose of deciding whether or not the member’s medical unfitness is likely to be permanent, the member is taken to receive normal appropriate medical treatment.

(3) In this regulation, “appropriate medical treatment” does not include medical treatment that the employer decides is reasonable for the member to refuse.

(4) The member may appeal under regulation 197 (appeals to sheriff) or 198 (appeals to tribunal) against a decision of the employer as to whether a refusal to accept medical treatment is reasonable.

Decision of selected medical practitioner

66.—(1) This regulation applies for the purpose of this Part.

(2) The selected medical practitioner must decide that the member is permanently medically unfit for performing the ordinary duties of a member of the police force if the practitioner is of the opinion that—

- (a) the member is unable to perform the ordinary duties of a member of the police force; and

- (b) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—
 - (i) the member reaches normal pension age under this scheme; or
 - (ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme).
- (3) The selected medical practitioner must decide that the member is permanently medically unfit for engaging in any regular employment if the practitioner is of the opinion that—
 - (a) the member is unable to perform the ordinary duties of a member of the police force;
 - (b) that inability is occasioned by infirmity of mind or body and is likely to continue until the day on which—
 - (i) the member reaches normal pension age under this scheme; or
 - (ii) the member dies (if the selected medical practitioner considers the member is likely to die before reaching normal pension age under this scheme); and
 - (c) the member is unable to engage in regular employment otherwise than as a member of the police force.

Refusal to be medically examined or attend interviews

- 67.—(1) The employer may make a determination under this Part on such evidence and medical advice as the employer in its discretion thinks necessary if—
- (a) a question as to whether a member of the police force is permanently medically unfit is referred to a selected medical practitioner for decision; and
 - (b) the member wilfully or negligently fails to submit to any medical examination or to attend any interviews that the selected medical practitioner considers necessary in order to make a decision.
- (2) An appeal under Schedule 1 against a decision of a selected medical practitioner is taken to be withdrawn if—
- (a) a question as to whether a member of the police force is permanently medically unfit is referred to an appeal board for decision; and
 - (b) the person wilfully or negligently fails to submit to any medical examination or to attend any interviews that the appeal board considers necessary in order to make a decision.

A report under this Part

68. For the purpose of these Regulations—
- (a) a reference to a report under Part 6 is a reference to—
 - (i) a report under regulation 71, 73 or 76 (“the report under this Part”); or
 - (ii) a report given under Schedule 1 on an appeal or reconsideration if that report has replaced the report under this Part; and
 - (b) a reference to a report under regulation 71, 73 or 76 is a reference to—
 - (i) a report under that regulation; or
 - (ii) a report given under Schedule 1 on an appeal or reconsideration if the report under Schedule 1 has replaced the report under this Part.