

---

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 2**

**Compulsory ill-health retirement**

**Application of Chapter**

- 69.** This Chapter applies in relation to a member of the police force (“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<sup>(1)</sup>.

**Former member of the police force**

**70.** For the purpose of this Chapter, a former member of the police force is taken to be a member of the police force.

**Referral of medical questions for purpose of regulation 72**

**71.—(1)** Before considering whether a person in service as a member of the police force (“the member”) should be compulsorily retired under regulation 72, the employer 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 force;
  - (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;
  - (b) decide the questions referred to the selected medical practitioner under paragraph (1); and
  - (c) give the employer and the member a report containing a decision on those questions.
- (3) That report is final, subject to—
- (a) an appeal under Schedule 1 against the decision of the selected medical practitioner; or

---

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

- (b) the referral under Schedule 1 of the decision of the selected medical practitioner for reconsideration.

### **Compulsory retirement on grounds of permanent medical unfitness**

**72.**—(1) This regulation applies if—

- (a) the employer refers questions relating to the member’s permanent medical unfitness to a selected medical practitioner under regulation 71(1);
- (b) the selected medical practitioner gives the employer and the member a report under that regulation; and
- (c) the report contains the decision that the member is permanently medically unfit for performing the ordinary duties of a member of the police force.

(2) The employer, after considering all the relevant circumstances and all the advice and information available to it (including input from the member)—

- (a) may require the member to retire on the date the employer considers the member ought to retire on the ground that the member is permanently medically unfit for performing the ordinary duties of a member of the police force; or
- (b) may require the member to continue to serve as a member of the police force.

### **Compulsory retirement of member who was required to continue to serve**

**73.**—(1) This regulation applies if, under regulation 72(2)(b) (compulsory retirement on grounds of permanent medical unfitness), the employer requires the member to continue to serve as a member of the police force.

(2) The employer, 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 employer 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 force; 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 medically unfit for performing the ordinary duties of a member of the police force, 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 employer and the member a report 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 employer 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 force if, after considering all the relevant circumstances and all the advice and information available to it, the employer determines that the member ought to retire.

### **Compulsory retirement void if appeal successful**

74. The compulsory retirement of a member under this Part is void if—
- (a) the selected medical practitioner decides that the member is permanently medically unfit for performing the ordinary duties of a member of the police force;
  - (b) the member appeals under Schedule 1 against the decision of the selected medical practitioner; and
  - (c) the appeal board decides that the member is not permanently medically unfit for performing the ordinary duties of a member of the police force.