
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 7

Retirement benefits

CHAPTER 4

Reduction of ill-health benefits

Reduction of pension in case of default

97.—(1) This regulation applies in relation to—

- (a) a deferred member of this scheme who on the ground of permanent medical unfitness for engaging in any regular employment becomes entitled under regulation 81(3) to payment of a full retirement pension before reaching the member's state pension age⁽¹⁾;
- (b) an active member of this scheme who becomes entitled under Chapter 3 to payment of an ill-health pension under this scheme; or
- (c) a pensioner member of this scheme who becomes entitled under Chapter 5 to payment of an enhanced upper tier ill-health pension.

(2) The employer may reduce the amount of full retirement pension or ill-health pension under this scheme by an amount not exceeding a half of that to which the member would otherwise be entitled if the selected medical practitioner gives a report on the question referred under regulation 96 (referral of medical question for purpose of reduction of benefits) containing the decision that the member has become medically unfit by the member's own default.

(3) For the purpose of this regulation, the selected medical practitioner may decide that the member has become medically unfit by the member's own default if, in the opinion of the selected medical practitioner, the member has brought about, or has substantially contributed to, the member's medical unfitness.

(4) The reduction of a pension under this regulation ceases to have effect—

- (a) in respect of a member mentioned in paragraph (1)(a) or (b), when the member reaches normal pension age under this scheme; or
- (b) in respect of a member mentioned in paragraph (1)(c), when the member reaches the member's state pension age.

(5) When the member reaches the member's state pension age, if the reduced pension is less than the amount of full retirement pension that would have been payable to the member under regulation 81(2) had the member reached the member's state pension age when the member left eligible service, the scheme manager must increase the pension to that amount.

(6) The member may appeal under regulation 197 (appeals to sheriff) or 198 (appeals to tribunal) against the decision of the employer to reduce a pension under this regulation.

(1) See regulation 81(3) for when a full retirement pension comes into payment early on grounds of permanent medical unfitness.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
