

SCHEDULE 4

Transitional provisions

PART 6

Payment of ill-health pension to transition members with continuity of service

Meaning of “ill-health pension” in relation to the existing police pension scheme

21. For the purpose of this Part, “ill-health pension”, in relation to the existing police pension scheme, means—

- (a) an ill-health award under regulation B3 of the 1987 Regulations (policeman’s ill-health award); or
- (b) a standard ill-health pension under regulation 30 of the 2007 Regulations (calculation of standard ill-health pension).

Meaning of “normal pension age under the existing police pension scheme”

22.—(1) This paragraph applies for the purpose of this Part.

(2) For a 2006 transition member, “normal pension age under the existing police pension scheme” means the normal pension age under the 2006 scheme.

(3) For a 1987 transition member, “normal pension age under the existing police pension scheme” means—

- (a) the voluntary retirement age determined under regulation A4(4) of the 1987 Regulations; or
- (b) for a member of the police force who does not have a voluntary retirement age under regulation A4(4) of the 1987 Regulations, the age of 60.

Transition member who has not reached normal pension age under the existing police pension scheme

23.—(1) This paragraph applies in relation to a transition member with continuity of service who—

- (a) becomes entitled under Chapter 3 of Part 7 to payment for life of an ill-health pension; and
- (b) has not reached normal pension age under the existing police pension scheme.

(2) If this paragraph applies—

- (a) an ill-health pension is not payable under the existing police pension scheme;
- (b) if the member is a 2006 transition member, a lump sum is not payable under regulation 28(1)(b) of the 2007 Regulations; and
- (c) a pension is payable under this scheme in accordance with this paragraph (“transition member’s ill-health pension”).

(3) If the member meets the lower tier threshold only—

- (a) the annual rate of transition member’s ill-health pension is the sum of—
 - (i) the annual rate of a lower tier ill-health pension payable under Chapter 3 of Part 7; and
 - (ii) the amount of pension mentioned in sub-paragraph (5); and

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- (b) if the member is a 2006 transition member, the member is entitled to payment of a lump sum equivalent to the amount of lump sum that would have been payable to the member under regulation 28(1)(b) of the 2007 Regulations if the member had been entitled to the payment of an ill-health pension under the 2006 scheme.
- (4) If the member meets the upper tier threshold—
 - (a) the annual rate of transition member's ill-health pension is the sum of—
 - (i) the annual rate of a lower tier ill-health pension payable under Chapter 3 of Part 7;
 - (ii) the annual rate of an enhanced upper tier ill-health pension payable under Chapter 3 of Part 7; and
 - (iii) the amount of pension mentioned in sub-paragraph (5); and
 - (b) if the member is a 2006 transition member, the member is entitled to payment of a lump sum equivalent to the amount of lump sum that would have been payable to the member under regulation 28(1)(b) of the 2007 Regulations if the member had been entitled to the payment of an ill-health pension under the 2006 scheme.
- (5) The amount is—
 - (a) for a 2006 transition member, the annual rate of ill-health pension that would have been payable under the 2006 scheme if the member was entitled to payment of an ill-health pension under that scheme; or
 - (b) for a 1987 transition member, the better of the following—
 - (i) the annual rate of ill-health pension that would have been payable under the 1987 scheme on the member's closing date if P had retired on that date;
 - (ii) a pension that would have been payable on retirement under regulation B1, B2 or B5 of the 1987 scheme, calculated in accordance with paragraph 39 of this Schedule (calculation of weighted accrual for service in the 1987 scheme).
- (6) If, after a transition member's ill-health pension becomes payable, a transfer payment is made from the existing police pension scheme in respect of the member's rights under that scheme, the scheme manager must deduct from the amount of pension mentioned in sub-paragraph (5) an amount equal to the value of the pension represented by that transfer payment.
- (7) A retirement added pension of any description is payable with the lower tier ill-health pension if the retirement account specifies an amount of retirement added pension of that description.
- (8) The proportion of a transition member's ill-health pension that represents the amount of pension mentioned in sub-paragraph (5) is subject to the same conditions, and ceases to be payable in the same circumstances, as if it were an ill-health pension payable under the existing police pension scheme.
- (9) For the purpose of sub-paragraph (8)—
 - (a) the member's pensionable service since the closing date is taken to be pensionable service under the existing police pension scheme; and
 - (b) any member contributions paid under this scheme are taken to be paid under the existing police pension scheme.

When transition member reaches normal pension age under the existing police pension scheme

24.—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of a transition member's ill-health pension under paragraph 23.

- (2) When the member reaches normal pension age under the existing police pension scheme—

- (a) the proportion of the transition member's ill-health pension that represents the amount of pension mentioned in paragraph 23(5) ceases to be payable under this scheme;
 - (b) a pension becomes payable under the existing police pension scheme in accordance with sub-paragraph (3); and
 - (c) if the member is a 2006 transition member, a lump sum is not payable under regulation 28(1)(b) of the 2007 Regulations.
- (3) A pension is payable under the existing police pension scheme as follows—
 - (a) for a 2006 transition member, a pension is payable under regulation 28(1)(a) of the 2007 Regulations; and
 - (b) for a 1987 transition member, an ill-health pension is payable under the 1987 scheme.
- (4) For the purpose of sub-paragraph (3), in calculating the annual rate of pension payable under the existing police pension scheme the following are subtracted from the amount of pension calculated under that scheme—
 - (a) the proportion of the commutation amount (if any) that related to the amount of pension mentioned in paragraph 23(5); and
 - (b) an amount equal to any transfer payment made to another scheme before the member reached normal pension age under the existing police pension scheme.
- (5) Before the amount in sub-paragraph (4)(a) is subtracted, it must be increased by the amount by which the annual rate of a pension of that amount would have been increased under PIA 1971 if—
 - (a) that pension was eligible to be so increased; and
 - (b) the beginning date for that pension was the date the transition member's ill-health pension became payable.