STATUTORY RULES OF NORTHERN IRELAND

2015 No. 113

The Police Pensions Regulations (Northern Ireland) 2015

PART 6

Retirement on grounds of permanent medical unfitness

CHAPTER 1

General

Application of Part

70. This Part does not apply to a member who falls within regulation 4(1)(d).

Police pension authority

71. In this Part, "police pension authority" means the police pension authority acting in exercise of its functions as employer or scheme manager.

Medical unfitness

72.—(1) 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 service or a former member of the police service, means inability occasioned by infirmity of mind or body—

(a) to perform the ordinary duties of a member of the police service; or

(b) to engage in any regular employment.

(2) For the purpose of this Part, "ordinary duties of a member of the police service", in relation to a former member of the police service, means the ordinary duties of a member of the police service.

Permanent medical unfitness

73.—(1) In these Regulations, a reference to a member of the police service who falls within regulation 4(1)(a),(b) or (c)("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 police pension authority acting in exercise of its functions as scheme manager decides is reasonable for the member to refuse.

(4) In respect of a member who falls within regulation 4(1)(b) "appropriate medical treatment" does not include medical treatment that the Chief Constable decides is reasonable for the member to refuse.

(5) The member may appeal under regulation 206 (appeals to the Department) against a decision of the police pension authority as to whether a refusal to accept medical treatment is reasonable.

Modifications etc. (not altering text)

C1 Reg. 73(2)-(4) applied (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **51(5)(b)(i)**

Decision of selected medical practitioner

74.—(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 service if of the opinion that—

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

[[F1](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 selected medical practitioner is of the opinion that—

(a) the member is unable to perform the ordinary duties of a member of the police service;

[[F2](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).**]**

(c) the member is unable to engage in regular employment otherwise than as a member of a police service; and

[[F3](d) 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).**]**

Textual Amendments

F1 Reg. 74(2)(b) substituted (with effect in accordance with reg. 2(c) of the amending Rule) by The Police Pensions (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024/38), regs. 2, **12(2)**

F2 Reg. 74(3)(b) substituted (with effect in accordance with reg. 2(c) of the amending Rule) by The Police Pensions (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024/38), regs. 2, **12(3)**

F3 Reg. 74(3)(d) substituted (with effect in accordance with reg. 2(c) of the amending Rule) by The Police Pensions (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024/38), regs. 2, **12(4)**

Modifications etc. (not altering text)

C2 Reg. 74(3)(c)(d) applied (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **51(5)(b)(ii)**

Refusal to be medically examined or attend interviews

75.—(1) The police pension authority may make a determination under this Part on such evidence and medical advice as the police pension authority thinks necessary if—

(a) a question as to whether a member of the police service 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) Where regulation 79(3) applies the Chief Constable, may make a determination under this Part on such evidence and medical advice as the Chief Constable thinks necessary if—

(a) a question as to whether a member of the police service 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.

[[F4](3) 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 service is permanently medically unfit is referred to an IMR for decision; and

(b) the person wilfully or negligently fails to submit to any medical examination or to attend any interviews that the IMR considers necessary in order to make a decision.**]**

Textual Amendments

F4 Reg. 75(3) inserted (with effect in accordance with reg. 2(c) of the amending Rule) by The Police Pensions (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024/38), regs. 2, **13**

A report under this Part

76. For the purpose of these Regulations—

(a) a reference to a report and certificate under Part 6 is a reference to—

(i) a report under regulation 79, 81 or 84 ("the report under this Part"); or was required to continue to serve is a reference to—

(ii) a report given under Schedule 1 on an appeal or reconsideration if that report and certificate has replaced the report and certificate under this Part; and

(b) a reference to a report under regulation 79, 81 or 84 is a reference to—

(i) the report and certificate under that regulation; or

(ii) a report and certificate given under Schedule 1 on an appeal or reconsideration if that report and certificate has replaced the report under this Part.

Changes to legislation:
There are currently no known outstanding effects for the The Police Pensions Regulations (Northern Ireland) 2015, CHAPTER 1.