
STATUTORY INSTRUMENTS

1993 No. 3253

**The Parliamentary Pensions (Consolidation
and Amendment) Regulations 1993**

PART J

Ill-health Pensions

Ill-health pensions based on service as a participating Member

J1.—(1) A participant who because of ill-health—

- (a) ceases to be a participating Member before attaining the age of sixty-five years; or
- (b) while not a Member of the House of Commons but while having a period of reckonable service as a participating Member ceases to be a participating office holder before attaining that age,

may apply to the Trustees for an early pension under regulation F1 if at the time when he so ceases (“the material time”) he would have become entitled to receive a pension under that regulation but for his not having attained the age of sixty-five years.

(2) If on an application under this regulation the Trustees are satisfied—

- (a) that the applicant does not intend to seek re-election to the House of Commons or to accept any future offer of a qualifying office;
- (b) that his ceasing as mentioned in sub-paragraph (a) or (b) of paragraph (1) above was a direct consequence of his ill-health; and
- (c) that his ill-health is such as would prevent him from performing adequately the duties of a Member of the House of Commons,

the applicant shall be entitled to receive a pension under regulation F1 as from the material time.

(3) A person who, if he were to cease as mentioned in sub-paragraph (a) or (b) of paragraph (1) above at a particular time in the future because of ill-health, would become entitled to make an application under that paragraph, may make such an application before that time, specifying in it the time when he proposes so to cease, and where on such an application the Trustees are satisfied that, if the applicant so ceases at the time specified therein, he will be entitled under paragraph (2) above to receive a pension under regulation F1 as from that time, they shall give him notice in writing to that effect.

(4) The annual amount of a pension payable under regulation F1 to a person by virtue of this regulation shall (subject to Part G (Commutation)) be calculated in accordance with regulation F2; but for the purposes of that calculation his actual period of reckonable service as a participating Member shall be increased by a period equal to the period between his ceasing as mentioned in sub-paragraph (a) or (b) of paragraph (1) above and the time when he would attain the age of sixty-five years.

(5) Paragraph (4) above shall apply to the calculation of a pension payable under this regulation to a participating Member who holds or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons; save that

- (a) the amount of the pension shall be calculated in accordance with regulation F2(5); and
 - (b) for the purpose of that calculation, it shall be assumed that the contribution factor in respect of each year of reckonable service added to the person's actual period of reckonable service by virtue of paragraph (4) above—
 - (i) shall equal the contribution factor in respect of his final year of reckonable service; or
 - (ii) if at the material time it is less than a year since he was first appointed to that office, shall equal a contribution factor calculated in accordance with regulation F4(2) in respect of the fraction of a year since the date of that appointment.
- (6) For the purposes of this regulation—
- (a) a person who has ceased to be a participating Member in consequence of the dissolution of Parliament shall be treated as having so ceased because of ill-health if, but only if, he satisfies the Trustees that as a direct consequence of his ill-health he did not seek re-election to the House of Commons after the dissolution; and
 - (b) a person who has, while not a Member of the House of Commons, ceased to be a participating office holder because of the result of a general election consequent upon the dissolution of Parliament shall be treated as having so ceased as a direct consequence of his ill-health if, but only if, he satisfies the Trustees that on the day of the poll in that election his ill-health was such as would prevent him from performing adequately the duties of a Member of the House of Commons.

Ill-health pensions based on service as an office holder

J2.—(1) A participant who because of ill-health—

- (a) ceases to be a participating Member before attaining the age of sixty-five years; or
- (b) while not a Member of the House of Commons ceases to be a participating office holder before attaining that age,

may apply to the Trustees for an early pension under regulation F3 if at the time when he so ceased (“the material time”) he would have become entitled to receive a pension under that regulation but for his not having attained the age of sixty-five years.

(2) If on an application under paragraph (1) above the Trustees are satisfied as mentioned in sub-paragraph (a) (so far as applicable) and sub-paragraphs (b) and (c) of regulation J1(2), the applicant shall be entitled to receive a pension under regulation F3 as from the material time.

(3) Regulation J1(3) shall apply in relation to paragraphs (1) and (2) above as it applies to paragraphs (1) and (2) of that regulation, the reference to a pension under regulation F1 being for this purpose read as a reference to a pension under regulation F3.

(4) The annual amount of a pension payable under regulation F3 by virtue of this regulation shall (subject to Part G (Commutation)) be calculated in accordance with regulation F4.

(5) Regulation J1(6) shall apply for the purposes of this regulation.

Ill-health pensions for former Members

J3.—(1) A person who because of ill-health has, while neither a Member of the House of Commons nor a candidate for election to it nor an office holder, retired from gainful work before attaining the age of sixty-five years may apply to the Trustees for an early pension under regulation

F1 if at the time when he so retired he would have become entitled to receive a pension under that regulation but for his not having attained the age of sixty-five years.

- (2) If on an application under this regulation the Trustees are satisfied—
- (a) that the applicant does not intend to seek election to the House of Commons or to accept any future offer of a qualifying office;
 - (b) that his retirement from gainful work was a direct consequence of his ill-health; and
 - (c) that his ill-health is such as would prevent him from performing adequately the duties of a Member of the House of Commons,

the applicant shall, as from the date on which the Trustees are so satisfied, be entitled to receive a pension under regulation F1.

(3) Where an application is made under this regulation, the Trustees shall by notice in writing inform the applicant whether they are satisfied as mentioned in paragraph (2) above and, if they are so satisfied, shall state the date as from which the pension payable to him by virtue of this regulation is payable in accordance with that paragraph.

(4) In this regulation “gainful work” means work under a contract of employment, or as the holder of an office, or as a self-employed person engaged in a business or profession, being in any case work from which the person concerned gains the whole or a substantial part of his income.

Ill-health pensions for former office holders

J4. Regulation J3 shall apply in relation to a person who because of ill-health has while neither a Member of the House of Commons nor a candidate for election to it nor an office holder, retired from gainful work before the age of sixty-five years and who applies to the Trustees for an early pension under regulation F3; and where regulation J3 applies to such a person any reference to regulation F1 shall be construed as a reference to regulation F3.

Medical evidence

J5.—(1) Every application under Part J must be accompanied by medical evidence of the applicant’s state of health.

(2) In the case of any such application the Trustees may require the applicant to undergo a medical examination by a medical practitioner nominated by them for the purpose; and the fees for any such examination shall be borne by the Trustees or the applicant, as the Trustees may determine.