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STATUTORY INSTRUMENTS

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**2008 No. 653**

**The National Health Service Pension Scheme Regulations 2008**

**PART 3**

**BENEFITS FOR PRACTITIONERS ETC.**

**CHAPTER 3.J**

**MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS**

*Determinations*

**3.J.10 Determination of questions**

(1) Except as otherwise provided by this Part, any question arising under the Scheme is to be determined by the Secretary of State.

(2) Any such disagreement as is referred to in section 50 of the 1995 Act (resolution of disputes) must be resolved by the Secretary of State in accordance with any arrangements applicable under that section.

**3.J.11 Determinations by medical practitioners**

(1) The Secretary of State may make arrangements for functions under this Part in relation to decisions within paragraph (2) that are exercisable by the Secretary of State to be discharged by—

- (a) a registered medical practitioner (whether practising alone or as part of a group) whom the Secretary of State has approved to act on the Secretary of State's behalf, or
- (b) a corporate or unincorporated body which—
  - (i) employs registered medical practitioners (whether under a contract of service or a contract for services), and
  - (ii) is so approved.

(2) This paragraph applies to any decision as to a person's health or degree of physical or mental infirmity or impairment that is required for the purposes of this Part and, in particular, any such decision required for the purposes of—

- (a) regulation 3.D.7(2)(a) or (3)(a) (early retirement on ill-health (active members)),
- (b) regulation 3.D.8(1)(a) or (b) or (3) (re-assessment of ill-health pension),
- (c) regulation 3.D.9(1)(a) or (2)(a) (early retirement on ill-health (deferred members)),
- (d) regulation 3.D.15(6)(b) (procedure for allocation election under regulation 3.D.14),
- (e) regulation 3.E.9(1)(b)(ii) (meaning of "dependent child"),
- (f) regulation 3.J.4(1) (beneficiaries who are incapable of looking after their affairs).