
STATUTORY INSTRUMENTS

2023 No. 831

The Police Pensions (Remediable Service) Regulations 2023

Part 7

Provision about special cases

Chapter 1

Ill-health retirement

Application and interpretation of Chapter 1

49.—(1) This Chapter applies in relation to an immediate choice member (“M”) who, during the period beginning on 1st April 2015 and ending on 31st March 2022, became entitled to—

- (a) an ill-health award under regulation B3(1) of the 1987 Regulations;
- (b) an ill-health pension under regulation 29 of the 2006 Regulations;
- (c) an ill-health pension under regulation 102 of the 2015 Regulations.

(2) In this Chapter—

“1987 IHR member” means a member described in [paragraph \(1\)\(a\)](#);

“2006 IHR member” means a member described in [paragraph \(1\)\(b\)](#);

“2015 IHR member” means a member described in [paragraph \(1\)\(c\)](#);

“alternative scheme” means, in relation to—

- (a) a 1987 IHR member or a 2006 IHR member, the reformed scheme;
- (b) a 2015 IHR member, the member’s legacy scheme;

“ill-health benefits” means benefits payable by virtue of an entitlement mentioned in [paragraph \(1\)](#);

“police pension authority” has the meaning given in regulation 73 of the 2015 Regulations;

“remediable ill-health benefits” means ill-health benefits payable in relation to M’s remediable police service;

“selected medical practitioner” means a duly qualified medical practitioner appointed by the police pension authority.

Commencement Information

II [Reg. 49](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

M's entitlement to ill-health benefits to be treated as equivalent in M's alternative scheme

50.—(1) For the purposes of PSPJOA 2022 and these Regulations, M is to be treated as meeting the requirements for an equivalent ill-health award in M's alternative scheme.

(2) No question relating to M's entitlement to ill-health benefits that has been decided following referral to a selected medical practitioner is to be re-opened by virtue of any provision of PSPJOA 2022 or of these Regulations.

(3) In this regulation—

“equivalent ill-health award in M's alternative scheme” means—

- (a) where M is entitled to an ill-health award under regulation B3 of the 1987 Regulations, a lower tier award under the reformed scheme;
- (b) where M is entitled to—
 - (i) a lower tier award under the 2006 scheme, a lower tier award under the reformed scheme;
 - (ii) an upper tier award under the 2006 scheme, an upper tier award under the reformed scheme;
- (c) where M is entitled to—
 - (i) a lower tier award under the reformed scheme, and—
 - (aa) M's legacy scheme is the 1987 scheme, an award under regulation B3 of the 1987 Regulations;
 - (bb) M's legacy scheme is the 2006 scheme, a lower tier award under that scheme;
 - (ii) an upper tier award under the reformed scheme and M's legacy scheme is the 2006 scheme, an upper tier award under that scheme;

“lower tier award” means, in relation to—

- (a) the 2006 scheme, an award determined in accordance with regulation 29(3) of the 2006 Regulations;
- (b) the reformed scheme, an ill-health pension payable under regulation 102(3)(a) of the 2015 Regulations;

“upper tier award” means, in relation to—

- (a) the 2006 scheme, an award determined in accordance with regulation 29(4) of the 2006 Regulations;
- (b) the reformed scheme, an ill-health pension payable under regulation 102(3)(b) of the 2015 Regulations.

Commencement Information

I2 [Reg. 50](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Deciding whether a 1987 IHR member is entitled to an upper tier award

51.—(1) [This regulation](#) applies where—

- (a) M is a 1987 IHR member, and
- (b) the question of whether M is permanently medically unfit for engaging in any regular employment within the meaning of Part 6 of the 2015 Regulations has not been referred to a selected medical practitioner.

(2) The police pension authority must refer the following questions to a selected medical practitioner—

- (a) whether M was, at time of the original decision or at any time during the relevant period, medically unfit for engaging in any regular employment, and
- (b) whether that medical unfitness was likely to be permanent.

(3) The selected medical practitioner must—

- (a) examine or interview M if the selected medical practitioner thinks it is necessary to do so to decide either of the questions referred under [paragraph \(2\)](#),
- (b) decide the questions referred under [paragraph \(2\)](#), and
- (c) give the police pension authority and M a report containing a decision on those questions.

(4) Regulation 81(3) of, and Schedule 1 to, the 2015 Regulations applies to the report mentioned in [paragraph \(3\)\(c\)](#) as they apply in relation to the report mentioned in regulation 81(2)(c) of those Regulations.

(5) For the purpose of deciding the questions in [paragraph \(2\)](#)—

- (a) the selected medical practitioner may only have regard to information that was available or could have been produced during the relevant period;
- (b) the following provisions of the 2015 Regulations apply as they apply for the purpose of deciding a question under [Part 6](#) of those Regulations—
 - (i) regulation 75(2) to (4) (receipt of appropriate medical treatment);
 - (ii) regulation 76(3)(c) and (d) (criteria for deciding whether a member is permanently medically unfit for engaging in any regular employment).

(6) Where the selected medical practitioner decides both of the questions referred under [paragraph \(2\)](#) in the affirmative, M is to be treated for the purposes of PSPJOA 2022 and of these Regulations as meeting the requirements for an upper tier award in the reformed scheme (as defined in [regulation 50\(3\)](#) of these Regulations).

(7) Schedule 1 of the 2015 Regulations applies in relation to a report containing a decision of the selected medical practitioner in accordance with this regulation as it applies in relation to a report by the selected practitioner containing a medical decision in accordance with those Regulations.

(8) In [this regulation](#)—

“medical unfitness” has the meaning given in regulation 74(1) of the 2015 Regulations;

“original decision” means the decision under Part H of the 1987 Regulations by virtue of which M was deemed permanently disabled;

“progressive medical condition” means a medical condition which—

- (a) of its nature, could have been expected, as at the time of M’s retirement, to affect M with increasing severity, and
- (b) is a progressive medical condition within the meaning given by regulation 112(6) of the 2015 Regulations.

“relevant period” means the period—

- (a) beginning with the time of the original decision, and
- (b) ending on the earlier of—
 - (i) except where the original decision attributed M’s permanent disablement a progressive medical condition, five years after the time of the original decision;
 - (ii) the beginning of the day on which M reaches 60 years of age;

- (iii) the time when an immediate choice decision or a deferred choice decision is made, or deemed to be made, in relation to M's remediable police service.

Commencement Information

I3 [Reg. 51](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Determining the value of M's remediable ill-health benefits

52. The scheme manager must, as soon as reasonably practicable after 1st October 2023 ^{F1}..., determine the value of M's remediable ill-health benefits as if they had been secured in M's alternative scheme.

Textual Amendments

F1 Words in [reg. 52](#) omitted (9.2.2024) by virtue of [The Police and Firefighters' Pensions \(Remediable Service\) \(Amendment\) Regulations 2024 \(S.I. 2024/59\)](#), regs. 1(2), **2(5)**

Commencement Information

I4 [Reg. 52](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Police Pensions (Remediable Service) Regulations 2023, Chapter 1.