
STATUTORY INSTRUMENTS

2023 No. 843

**The Firefighters' Pensions
(Remediable Service) Regulations 2023**

Part 7

Provision about special cases

Chapter 1

Ill-health retirement

[^{F1}Entitlement to ill-health benefits where a remedy member's legacy scheme is the 2006 scheme

- 51A.**—(1) Paragraph (2) applies where a 2006 IHR member (“M”) is—
- (a) a special member, and
 - (b) either—
 - (i) a full protection member, or
 - (ii) a tapered protection member whose entitlement to an ill-health award was assessed before the transition date.
- (2) The scheme manager must obtain the opinion of an IQMP on the following questions—
- (a) where it was determined that M was entitled to a lower tier award, whether M would, at the time of the original decision, have met the criteria to be entitled to a lower tier award under the reformed scheme;
 - (b) where it was determined that M was entitled to a lower tier and to a higher tier award—
 - (i) whether M would, at the time of the original decision, have met the criteria to be entitled to a lower tier award under the reformed scheme, and
 - (ii) whether M would, at the time of the original decision, have met the criteria to be entitled to a higher tier award under the reformed scheme.
- (3) Paragraph (4) applies where—
- (a) a remedy member (“M”) is—
 - (i) a special member of the 2006 scheme, and
 - (ii) a transition member;
 - (b) M's entitlement to an ill-health award was assessed under regulation 65 of the 2014 Regulations, and
 - (c) it was determined in accordance with that regulation that—
 - (i) M was not entitled to either a lower tier or a higher tier award, or
 - (ii) M was entitled to a lower tier award.
- (4) The scheme manager must obtain the opinion of an IQMP on the following questions—

- (a) where it was determined that M was not entitled to either a lower tier or a higher tier award—
- (i) whether M would, at the time of the original decision, have met the criteria to be entitled to a lower tier award under rule 2 of Part 3 of Schedule 1 to the 2006 scheme, and
 - (ii) whether M would, at the time of the original decision, have met the criteria to be entitled to a higher tier award under rule 2 of Part 3 of Schedule 1 to the 2006 scheme;
- (b) where it was determined that M was entitled to a lower tier award, whether M would, at the time of the original decision, have met the criteria to be entitled to a higher tier award under rule 2 of Part 3 of Schedule 1 to the 2006 scheme.
- (5) An IQMP who is to provide an opinion on a question in accordance with this regulation must—
- (a) examine or interview M if the IQMP thinks it is necessary to provide an opinion on the question, and
 - (b) give the scheme manager and M a written opinion containing a decision on the question.
- (6) For the purpose of providing an opinion in accordance with this regulation and subject to paragraph (5)(a), the IQMP may only have regard to information that was available or could have been produced at the time of the original decision.
- (7) The scheme manager must determine whether M is entitled to an ill-health award, and the provisions of Part 12 of the 2014 Regulations apply to—
- (a) a determination under this paragraph as if it were a determination under regulation 151, and
 - (b) an opinion of the IQMP obtained under this regulation as if it were an opinion of the IQMP obtained in accordance with that Part.
- (8) Where it is determined that M is entitled to an ill-health award M is to be treated for the purposes of PSPJOA 2022 and of these Regulations as being entitled to that ill-health award from the time of the original decision.
- (9) In this regulation, “original decision” means—
- (a) for the purposes of paragraphs (1) and (2), the decision under rule 2 of Part 3 of Schedule 1 to the 2006 Regulations by virtue of which M became entitled to an ill-health award under the 2006 scheme;
 - (b) for the purposes of paragraphs (3) and (4), the decision under Chapter 4 of Part 5 of the 2014 Regulations by virtue of which—
 - (i) M became entitled to an ill-health award under the reformed scheme, or
 - (ii) it was determined that M was not entitled to a lower tier or a higher tier award under the reformed scheme.]

Textual Amendments

F1 Reg. 51A inserted (9.2.2024) by [The Police and Firefighters' Pensions \(Remediable Service\) \(Amendment\) Regulations 2024 \(S.I. 2024/59\)](#), regs. 1(2), **3(6)**

Changes to legislation:

There are currently no known outstanding effects for the The Firefighters' Pensions (Remediable Service) Regulations 2023, Section 51A.