
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 133

The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023

PART 7

Provision about special cases

CHAPTER 1

Ill-health retirement

Entitlement to ill-health benefits where a remedy member's legacy scheme is the FPS

51.—(1) Paragraph (2) applies where—

- (a) A remedy member (“M”) is a FPS IHR member, and
- (b) M’s entitlement to an ill-health award has not been assessed under regulation 73 of the 2015 Regulations.

(2) The scheme manager must obtain the opinion of an IQMP on the following questions—

- (a) 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
- (b) 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’s (“M”) legacy scheme is the FPS,
- (b) M’s entitlement to an ill-health award was assessed under regulation 73 of the 2015 Regulations,
- (c) it is determined in accordance with that regulation that—
 - (i) M was not entitled to a lower tier award, or
 - (ii) M was entitled to a lower tier award but was not entitled to a higher tier award, and
- (d) M is a deferred or pensioner member of the reformed scheme.

(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 a lower 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 FPS, and
 - (ii) whether M would, at the time of the original decision, have met the criteria to be entitled to a higher tier ill-health award under the FPS;
- (b) where it is determined that M was entitled to a lower tier award but not to a higher tier award, whether M would, at the time of the original decision, have met the criteria to be entitled to a higher tier ill-health award under the FPS.

(5) The 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 2015 Regulations apply to —

- (a) a determination under this paragraph as if it were a determination under regulation 161 of those Regulations, 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 Part H of the FPS by virtue of which M became entitled to an ill-health award under the FPS;
- (b) for the purposes of paragraphs (3) and (4), the decision under Chapter 4 of Part 5 of the 2015 Regulations by virtue of which it was determined that M was not entitled to a lower tier award or, as the case may be, a higher tier award under the reformed scheme.

Commencement Information

II Reg. 51 in operation at 1.10.2023, see [reg. 1](#)

Changes to legislation:

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