
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 13

Supplementary

CHAPTER 4

Appeals in relation to payment of benefits

Appeals to sheriff

197.—(1) This regulation applies in relation to payment of benefits under this scheme to or in respect of a member of the police force.

(2) The member or person claiming payment of a benefit in respect of the member (P) may, subject to regulation 199 (limitation on appeals), appeal to the sheriff against any of the following decisions—

- (a) a decision by the scheme manager to refuse to accept P's claim for payment of a benefit;
- (b) a decision by the scheme manager to refuse to pay P a benefit the entitlement to which arises on the fulfilment of conditions which do not include a claim for payment;
- (c) a decision by the scheme manager to refuse to accept P's claim for payment of a benefit larger than the benefit granted to P;
- (d) a decision by the employer under regulation 65 (permanent medical unfitness) as to whether a refusal to accept medical treatment is reasonable;
- (e) a decision by the employer under regulation 105 (cancellation of ill-health pension: failure to receive appropriate medical treatment) as to whether a refusal to accept medical treatment is reasonable;
- (f) a decision by the employer under regulation 97 (reduction of pension in case of default) to reduce the amount of pension payable to the member.

(3) The sheriff, after enquiring into the case, may make such order in the matter as appears to the sheriff to be just.

Appeals to tribunal

198.—(1) This regulation applies in relation to payment of benefits under this scheme to or in respect of an inspector of constabulary.

(2) The member or person claiming payment of a benefit in respect of the member (P) may, subject to regulation 199, lodge an appeal with the Scottish Ministers against any of the following decisions—

- (a) a decision by the scheme manager to refuse to accept P's claim for payment of a benefit;
- (b) a decision by the scheme manager to refuse to pay P a benefit the entitlement to which arises on the fulfilment of conditions which do not include a claim for payment;

- (c) a decision by the scheme manager to refuse to accept P's claim for payment of a benefit larger than the benefit granted to P;
 - (d) a decision by the employer under regulation 65 (permanent medical unfitness) as to whether a refusal to accept medical treatment is reasonable;
 - (e) a decision by the employer under regulation 105 (cancellation of ill-health pension: failure to receive appropriate medical treatment) as to whether a refusal to accept medical treatment is reasonable;
 - (f) a decision by the employer under regulation 97 (reduction of pension in case of default) to reduce the amount of pension payable to the member.
- (3) Regulation 115 (procedure on appeals to tribunal) sets out the procedure for appeals under this regulation.

Limitation on appeals

199.—(1) A person may not appeal under regulation 197 (appeals to sheriff) or 198 (appeals to tribunal) against anything done by the scheme manager, employer or pension supervising authority under a power conferred by these Regulations which is expressly stated to be a power in respect of which the scheme manager, employer or pension supervising authority may exercise a discretion.

(2) Unless the sheriff hearing an appeal under regulation 197 or a tribunal hearing an appeal under regulation 198 refers a medical decision⁽¹⁾ for reconsideration under Schedule 1, the sheriff or tribunal hearing the appeal is bound by a final decision of a medical authority⁽²⁾ under Schedule 1.

(1) See paragraph 1 of Schedule 1 for the meaning of "medical decision".

(2) See paragraph 1 of Schedule 1 for the meaning of "medical authority".