
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 239

The Police Pensions (Remediable Service) (Scotland) Regulations 2023

PART 7

Provision about special cases

CHAPTER 1

Ill-health retirement

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 2007 Regulations;
- (b) the reformed scheme, an ill-health pension payable under regulation 92(3)(a) of the 2015 Regulations;

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“upper tier award” means, in relation to—

- (a) the 2006 scheme, an award determined in accordance with regulation 29(4) of the 2007 Regulations;
- (b) the reformed scheme, an ill-health pension payable under regulation 92(3)(b) of the 2015 Regulations.