

SCHEDULE 1

Regulation 2

AMENDMENT OF THE POLICE PENSIONS REGULATIONS 1987

1.—(1) After regulation A12(1) (disablement) insert—

“(1A) For the purposes of deciding if a person’s disablement is likely to be permanent, that person shall be assumed to receive normal appropriate medical treatment for his disablement, and in this paragraph “appropriate medical treatment” shall not include medical treatment that it is reasonable in the opinion of the police authority for that person to refuse.”.

(2) In regulation A12(2) for the words “a male or female member of the force, as the case may be,” substitute “a member of the force”.

(3) In regulation A12 after paragraph (4) insert—

“(5) In this regulation, “infirmity” means a disease, injury or medical condition, and includes a mental disorder, injury or condition.”.

2. In regulation A20 (compulsory retirement on grounds of disablement) for the words “the police authority determine” substitute “the police authority, having considered all the relevant circumstances, advice and information available to them, determine”.

3. In regulation H1 (reference of medical questions) for paragraph (4) substitute—

“(4) The police authority may decide to refer a question in paragraph (2) or, as the case may be, (3) to a board of duly qualified medical practitioners instead of to a single duly qualified medical practitioner, and in such a case references in this regulation, regulations H2 and H3(1), (2) and (4) and paragraphs 5(a) and 6 of Schedule H to a medical practitioner shall be construed as if they were references to such a board.

(5) Where one or both of questions (c) and (d) in paragraph (2) are referred to a selected medical practitioner and paragraph (6) does not apply, the decision of that practitioner on the questions referred to him shall be expressed in the form of a certificate and shall, subject to regulations H2 and H3, be final.

(6) In any case where one or both of questions (a) and (b) in paragraph (2) are referred to a selected medical practitioner, the decision of that practitioner on all the questions referred to him shall be expressed in the form of a report and shall, subject to regulations H2 and H3, be final.

(7) A copy of any such report shall be supplied to the person who is the subject of that report.”.

4.—(1) In regulation H2(1) (appeal to medical referee) for “on any question which involves the reference of questions under Regulation H1 to a selected medical practitioner” substitute “in any case in which Regulation H1(5) applies”.

(3) After regulation H2(2) insert—

“(2A) Where a person is dissatisfied with the decision of the selected medical practitioner as set out in a report under regulation H1(6), he may, within 28 days after he has received a copy of that report or such longer period as the police authority may allow, and subject to and in accordance with the provisions of Schedule H, give notice to the police authority that he appeals against that decision.

(2B) In any case where within a further 28 days of that notice being received (or such longer period as the police authority may allow) that person has supplied to the police authority a statement of the grounds of his appeal, the police authority shall notify the

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Secretary of State accordingly, and the Secretary of State shall appoint a medical referee to decide the appeal.”.

(4) In regulation H2(3)—

- (a) after “the certificate” insert “or report”;
- (b) after “a certificate” insert “or as the case may be a report”.

5.—(1) In regulation H3 (further reference to medical authority) in each of paragraphs (1) and (2) after “certificate” insert “or report as the case may be”.

(2) In regulation H3(2) delete “on fresh evidence”.

(3) In regulation H3(3)—

- (a) after “medical practitioner” insert “or board of medical practitioners”;
- (b) after “his” insert “or as the case may be its”.

(4) In regulation H3(4) after “made” insert “or if, following a notice of appeal to the police authority, the police authority have not yet notified the Secretary of State of the appeal”.

6. In regulation H5(1) (appeal by a member of a home police force) after the words “that granted” insert—

“or by a decision of the police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of regulation A12(1A)”.

7. In regulation H6(2) (appeal by overseas policeman, inspector of constabulary or central police officer) after the words “that granted” insert—

“or by a decision of the Secretary of State as police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of regulation A12(1A)”.

8. In regulation M2(4)(1) (pension credit members: commutation: general provisions) for the word “rule”, in both places where it appears, substitute “regulation”.

9. In regulation M3(4) (commutation of the pension credit benefit: small pensions and serious ill-health) for the word “rule” substitute “regulation”.

10. In Schedule A (glossary of expressions) at the appropriate place, insert—

““infirmity” has the meaning assigned to it by regulation A12(5)”.