

SCHEDULE 1

Regulation 2

AMENDMENTS OF THE POLICE PENSIONS REGULATIONS 1987

1. In regulation A9(2), after “policeman” insert “or for the purposes of regulation G6”.
- 2.—(1) After regulation A12(1) insert—
 - “(1A) For the purpose 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 “a male or female member of the force, as the case may be” substitute “a member of the force”.
 - (3) In regulation A12, insert after paragraph (4)—
 - “(5) In this regulation, “infirmity” means a disease, injury or medical condition, and includes a mental disorder, injury or condition.”.
3. In Regulation A20—
 - (a) after “police authority determine” insert “, having given due consideration to all the circumstances, advice, guidance and information available to them,”; and
 - (b) for “medical referee” substitute “board of medical referees”.
4. In regulation B1(3)(ba) for from “and either” to the end of sub-paragraph (ba) substitute “or, if such a term has extended, at the end of the appointment for the extended term”.
5. In sub-paragraph (c) of regulation F1(1) for “14 weeks” substitute “18 weeks”.
6. In regulation G6—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (b) for “service” substitute “pensionable service that is reckonable by reason of service or employment”; and
 - (ii) in the words following that sub-paragraph, for “service” substitute “pensionable service that is reckonable by reason of service or employment”;
 - (b) at the end of paragraph (3) insert—
 - “, or
 - (c) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but on or before 1st October 2003, that date, or
 - (d) if such contributions have ceased to be payable either before or during that period and again become payable more than 2 years after the date of cessation, but after 1st October 2003, the date on which they again become payable.”;
 - (c) for paragraph (4) substitute—
 - “(4) In a case where the material date is the date given by paragraph (3)(a) or (b), the additional contributions to be paid are calculated, subject to paragraphs (6) to (11), in accordance with the Table in paragraph (18) by reference to the whole of the woman’s pensionable service reckonable by reason of service or employment before 17th May 1990.
 - (4A) In a case where the material date is the date given by paragraph (3)(c) or (d), the additional contributions to be paid are such amounts as are determined in accordance with such guidance and Tables as the Government Actuary may issue for the purpose or, in any

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case where that guidance indicates that special considerations apply, such amounts as the Government Actuary determines for the case in question.”;

- (d) at the beginning of paragraph (5) for “The” substitute “In a case where the material date is the date given by paragraph (3)(a) or (b), the”;
- (e) in paragraphs (7)(b), (10)(b) and (14) for the word “service” in each place where it occurs substitute “pensionable service”;
- (f) at the beginning of paragraph (13)(a) insert “except where the payments are made in pursuance of an election for which the material date is that given by paragraph (3)(c) or (d),”;
- (g) in paragraph (15) after “pensionable service” in both places it occurs insert “reckonable by reason of service or employment”; and
- (h) in the Table in paragraph (18)–
 - (i) after the words “pensionable service”, in the first place where they occur, insert “reckonable by reason of service or employment”, and
 - (ii) after those words in the second place where they occur insert “so reckonable”.

7. In regulation H1, 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) In any case where one or both of questions (a) and (b) in paragraph (2) is or 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.

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

(7) A copy of any report under paragraph (5) shall be supplied to the person who is the subject of that report.”.

8.—(1) In the heading at Regulation H2 for “Appeal to medical referee” substitute “Appeal to board of medical referees”.

(2) In regulation H2(1) for “on any question which involves the reference of questions under Regulation H1 to a selected medical practitioner” substitute “in any case to which regulation H1(6) 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(5), 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 a person gives notice to the police authority in accordance with paragraph (2A)–

- (a) that person must supply to the police authority within a further 28 days of that notice being received or such longer period as the police authority may allow, a statement of the grounds of his appeal; and
- (b) the police authority shall notify the Scottish Ministers, and the Scottish Ministers shall appoint a board of medical referees to decide the appeal.”.

9. For “medical referee” in each place where it occurs in paragraph (3) of Regulation H2, paragraph (4) of Regulation H3, and paragraphs (a) and (b) of Regulation H4 substitute “board of medical referees”.

10. In regulation H2(3)–

- (a) after “the certificate” insert “or report”;
- (b) after “a certificate” insert “or, as the case may be, a report”;
- (c) for “he” in both places where it occurs substitute “it”; and
- (d) for “his” substitute “its”.

11.—(1) In regulation H3 in each of paragraphs (1) and (2) after “certificate” insert “or report as the case may be”.

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

(3) In regulation H3(3)–

- (a) after “medical practitioner” insert “or board of medical practitioners”; and
- (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 Scottish Ministers of the appeal,”.

12. In regulation H5(1) after “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)”.

13. In regulation H6(2) after “that granted” insert “or, by a decision of the Scottish Ministers as police authority as to whether a refusal to accept medical treatment is reasonable for the purposes of regulation A12 (1A)”.

14. In Schedule A–

- (a) after the definition of “average pensionable pay” insert ““board of medical referees” has the meaning assigned to it by paragraph 3(2) of Schedule H;”;
- (b) after the definition of “husband” insert ““infirmary” has the meaning assigned to it by regulation A12(5);”;
- (c) omit the definition of “medical referee”.

15. In Schedule H–

(a) for paragraph 2 substitute–

“**2.** On receiving an appeal against a certificate issued under regulation H1(2)(c) or (d) or an appeal and the appellants grounds for appeal in appeals made against a report issued under regulation H1(5), the police authority, unless Regulation H3(2) applies, shall forward to the Scottish Ministers copies of the appeal and all other documents determined as necessary by the Scottish Ministers.”;

(b) for paragraph 3 substitute–

“**3.**—(1) The Scottish Ministers shall refer an appeal to a board of medical referees and shall supply them with copies of the police authority’s decision, the certificate or report, as

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the case may be, of the selected medical practitioner, the appellant's notification of appeal and the appellant's written statement of the grounds for appeal, and any other relevant information, in appeals made against a report issued under regulation H1(5).

(2) The board of medical referees shall consist of not less than three medical practitioners appointed by, and in accordance with, arrangements made by the Scottish Ministers, provided that—

- (a) at least one member of the board of medical referees shall be a specialist in a medical condition relevant to the appeal;
- (b) one member of the board of medical referees will be appointed chairman; and
- (c) where there is an equality of voting among members of the board of medical referees, the chairman shall have a second or casting vote.

(3) The board of medical referees shall appoint a time and place for interviewing the appellant and for any such further interviews or examinations as it may consider necessary and shall give not less than 21 days notice thereof to the appellant and police authority.”;

(c) for paragraph 4 substitute—

“4.—(1) Where either party to the appeal intends to submit written evidence or a written statement at an interview arranged under paragraph 3 above that party shall, subject to paragraph (2) submit it to the board of medical referees, the other party and the Scottish Ministers not less than 10 days before the date appointed for the interview.

(2) Where any written evidence or statement has been submitted under paragraph (1), any written evidence or statement in response may be submitted by the other party to the board of medical referees, the party submitting the first-mentioned evidence or statement and the Scottish Ministers at any time not less than 5 days before the date appointed for the interview.

(3) Where any written evidence or statement is submitted in contravention of paragraphs (1) or (2) the board of medical referees may postpone or adjourn the date appointed for the interview.

(4) References in paragraphs (1) and (2) to periods of days shall exclude weekends and public holidays.”;

(d) for paragraph 6 substitute—

“6. The board of medical referees shall supply the police authority, the appellant and the Scottish Ministers with a written report of its decision on the relevant medical issues. In the case where the selected medical practitioner has issued a certificate and the board of medical referees disagrees with any part of that certificate the board of medical referees shall provide a revised certificate detailing its decision.”;

(e) for paragraph 7 substitute—

“7.—(1) There shall be paid to the board of medical referees—

- (a) such fees as are determined in accordance with arrangements made by the Scottish Ministers; or
- (b) where no such arrangements have been made, such fees and allowances as the Scottish Ministers may from time to time determine.

(2) Any fees and allowances payable to the board of medical referees under paragraph (1) shall be paid by the police authority and shall be treated as part of the expenses of the police authority for the purposes of this Schedule, except that any fees and allowances payable in consequence of—

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- (a) the withdrawal or postponement of an interview; or
- (b) a postponement or adjournment which is the result of any written evidence or statement being made to the board of medical referees outwith the time limits specified in paragraph 4 above,

may be recovered, in whole or in part, by the police authority from the party or parties whose actions or omissions resulted in the withdrawal, postponement or adjournment of the interview.”; and

- (f) in paragraph 8–
 - (i) in sub-paragraph (2) for “medical referee” substitute “board of medical referees” and for “referee's” substitute “board of medical referees”;
 - (ii) after “police authority,” insert “and reports that in its opinion the appeal was frivolous or vexatious”; and
 - (iii) in sub-paragraph (3) for “medical referee” substitute “board of medical referees”.