

## The Law of Police Pensions

### List of Abbreviations

There are a large number of abbreviations in this area of law. This Guide defines terms on the first occasion on which the term is used but thereafter uses the abbreviation. The full list is as follows:

<b>APP</b>	Average Pensionable Pay
<b>CARE</b>	Career Average Revalued Earnings Scheme
<b>CRA</b>	Compulsory Retirement Age
<b>ECHR</b>	European Convention on Human Rights
<b>LGPS</b>	Local Government Pension Scheme.
<b>PMAB</b>	Police Medical Appeal Board. This is a Board of doctors which hears appeals against decisions made by the SMP.
<b>PPA</b>	The Police Pensions Authority. The PPA is a statutory office which is held by the Chief Constable for a Police Force or, in the case of London, by the Commissioner of the Police of the Metropolis
<b>SMP</b>	Selected Medical Practitioner: A doctor appointed by the PPA to conduct a decision making process under Regulations which will affect the pension rights of a serving or former police officer.

**Duty Injury** The term “duty injury” is used to designate an injury which (a) leads to the officer being permanently disabled from being able to perform the duties of a police officer

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or being permanently unfit to do so, and (b) was an injury was the result of the execution of the officer's duties. The meaning of each element of this definition is discussed in the Guide.

**Guidance** Non-statutory guidance published by the Home Office for Police Medical Appeals, which can be found [here](#).

### Types of Police Pension

**Ordinary Pension** The standard pension paid on retirement to a police officer which is payable to an officer who has fulfilled the qualifying service criterion.

**Deferred Pension** A pension payable to a police officer at a set age (either 60 (1987 scheme), 65 (2006 scheme) or 68 (currently under the 2015 scheme). His pension is payable to a former officer who is not in receipt of an ordinary pension.

**Ill-health Pension** A pension payable on retirement to a police officer who is permanently disabled from being able to perform the duties of a police officer.

**Injury Pension** A pension payable on retirement to a police officer who is permanently disabled from being able to perform the duties of a police officer as a result of a duty injury. This pension can also be known as an "IoD award".

### List of statutory materials

**PPA 1976** Police Pensions Act 1976

**PSA 1993** Pension Schemes Act 1993

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**1987 Regulations** Police Pensions Regulations 1987

**2006 Regulations** Police Pensions Regulations 2006

**2015 Regulations** Police Pensions Regulations 2015

**PIBR** Police (Injury Benefit) Regulations 2006

**Index to Chapters:**

**1. Introduction:**

- *Who is this Guide for?*
- *Nomenclature.*
- *The nature of legal obligations owed under police pension scheme.*
- *The background to the present police pensions schemes*
- *The lack of a real fund.*
- *The engagement of ECHR rights in pension decision making.*

**2. The present statutory schemes governing pensions for police officers.**

- *The current schemes made in Regulations for police pensions.*
- *The legal problem of transitional provisions and age discrimination.*
- *The main features of the 1987 Scheme.*
- *The main features of the 2006 Scheme.*
- *The main features of the 2015 Scheme.*

**3. Ill-health retirement provisions and ill-health pensions.**

- *When does a PPA come under a legal duty to refer an officer to the SMP to determine permanent disability (or medical unfitness)?*
- *The assessment by the SMP of permanent disablement or permanent incapacity.*
- *The SMP report.*
- *The officer's right to appeal to the Police Medical Appeal Board.*
- *The consequences of a finding of permanent disablement or permanent unfitness.*

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- *Can a police officer who is a member of 1987 Scheme and has been determined to be permanently disabled take his own decision to retire and claim an injury pension?*
- *From which date is the ill-health pension payable?*

#### 4. Police Injury Pensions: Part 1.

- *The meaning of “Ceased to be a member of a police force”*
- *What is an “injury”?*
- *The meaning and effect of decisions made in the ill-health retirement process.*
- *When is an injury received by an officer in the execution of his duties?*
- *The proper approach to the meaning of words in Regulations.*
- *The High Court and Court of Appeal cases on the meaning of “received in the execution of duty”.*
- *The meaning and effect of Commissioner of Police of the Metropolis v Stunt [2001] EWCA Civ 265 [2001] ICR 989.*
- *The problems left by Stunt and a potential answer.*
- *The potential difficulties in the cases that followed Stunt.*
- *The effect of the deeming provisions in Regulation 6(2).*
- *The problem of “perception” versus reality in execution of duty cases which lead to psychological injuries.*
- *R (The Commissioner of Police of the Metropolis) v Police Medical Appeal Board: A judgment that should be treated with considerable caution.*

#### 5. Police Injury Pensions Part 2:

- *The meaning of “degree of disablement”.*
- *The meaning of the term “reduction in earning capacity”.*
- *The assessment of loss of earning capacity.*
- *Calculating the degree of disablement and causation issues.*
- *The approach where the former officer suffers a disablement is caused by multiple injuries.*
- *The approach where the former officer suffers a single injury with multiple causes.*
- *The approach where the duty injury aggravates or accelerates an underlying (non-duty related) condition.*

#### 6. Police Injury Pensions Part 3:

- *The amount of an injury pension payable to the former officer.*
- *Regulation 12 awards.*

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- *Reviews of Ill-health and Injury Pensions: Overview*
- *Reviews of Ill-health pensions on the grounds that the former officer's disability has ceased.*
- *Reviews of Upper or Lower Tier Ill-health pensions.*
- *Reviews of Injury Pensions.*
- *Reconsiderations under Regulation 32(2).*
- *Refusals to be medically examined.*
- *The meaning of "attend" and "submit to a medical examination" in Regulation 33.*
- *Providing information to the PPA in advance of an SMP referral.*
- *Providing the SMP with access to medical notes made by other doctors.*

**7. Revision and Withdrawal or Forfeiture of Pensions.**

**8. Challenges to decisions made within the police pensions systems.**

- *Appeals to the Police Medical Appeal Board*
- *Crown Court Appeals.*
- *The Pensions Ombudsman.*
- *Judicial Review.*

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