

Notes of Guidance

Completion of Medical Review Certificate for Suspended 3rd Tier Pensioner

Where the cessation of employment occurred after 31 March 2014, with the Review taking place at the request of the member whilst the 3rd Tier pension is in payment, or within 3 years after cessation of the payment of the 3rd tier pension, and before Normal retirement Age.

The Completion of the Form

- If **A** is ticked, the member **does not**, in the independent registered medical practitioner's opinion, satisfy the requirements to be uplifted to a tier 2 ill health pension.
- If **B** is ticked, the member **does**, in the independent registered medical practitioner's opinion, satisfy the requirements to be uplifted to a tier 2 ill health pension and the former employer can determine to award an enhanced (tier 2) ill health pension, payable from the date of their determination.
- If **B** has been ticked and the former employer determines to award an enhanced (tier 2) ill health pension, payable from the date of their determination, there is no pension input amount for the purposes of the annual allowance test under the Finance Act 2004 and Pensions Increase will be payable under the Pensions (Increase) Act 1971 even if the member is under age 55.
- The opinion given by the approved registered medical practitioner does not, in itself, determine whether the suspended pension is brought back into payment or is uplifted to tier 2. Nor should the medical practitioner indicate to the individual that a benefit under the LGPS will be payable. It is for the former employing authority to make the formal determination.
- If the person is not capable, due to the medical condition that resulted in the original award of a tier 3 ill health pension, of undertaking gainful employment within three years of the date of leaving shown in Section 1 and is permanently incapable of undertaking any gainful employment before his / her normal retirement age, regulation 37 of the Local Government Pension Scheme Regulations 2013 does not permit a tier 1 ill health pension to be awarded. Where a tier 3 ill health pension was originally awarded the person would, in order to obtain a tier 1 ill health pension, have to have made a successful appeal under the Internal Dispute Resolution Procedure with the appeal being launched within 6 months of initially being notified of the award of a tier 3 ill health pension (or such longer period as the person hearing the appeal considers appropriate).

Glossary of Terms

- 'Normal pension age' means the employee's individual State pension age at the time the benefit was brought into payment, but with a minimum of age 65. State pension age was equalised to age 65 in November 2018. State pension age will continue to increase from December 2018 onwards. To determine an individual's State pension age please go to:
<http://www.pensionsadvisoryservice.org.uk/state-pensions/know-your-state-pension-age>
- 'Permanently incapable' means that the person is, more likely than not, incapable of discharging efficiently the duties of their employment with the employer because of ill health or infirmity of mind or body until, at the earliest, their normal pension age (as set out above).
- 'Gainful employment' means paid employment for not less than 30 hours in each week for a period of not less than 12 months. It does not have to be employment that is commensurate in terms of pay and conditions with that of the person's former employment.
- The Independent Registered Medical Practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- The Independent Registered Medical Practitioner is providing an opinion on the person's capability of undertaking gainful employment based solely on the effect the medical condition has on the ability to undertake gainful employment.
- The Independent Registered Medical Practitioner signing the certificate does not have to be a different independent registered medical practitioner to the one who originally certified the scheme member's permanent incapacity at the date of leaving i.e. the same practitioner can sign this certificate too.

Disclaimer

These notes were up-to-date when this form was updated in June 2019 and are provided for information only. They confer no contractual or statutory rights and in the event of any dispute the appropriate legislation will prevail.

This is a medical certificate provided by an independent, approved, duly qualified registered medical practitioner in respect of a 3rd tier pensioner who, in accordance with regulation 37 of the Local Government Pension Scheme Regulations 2013, has requested a review, whilst the 3rd tier pension is in payment or within 3 years after payment of the 3rd tier pension has been discontinued (and before normal retirement age), to determine whether or not the person meets the criteria to be uplifted to a tier 2 pension.