



Notes of Guidance

Completion of Medical Review Certificate for Current 3rd Tier Pensioner

Where the cessation of employment occurred before 1 April 2014, where the review is taking place 18 months after the date of cessation of employment (and before normal retirement age).

The Completion of the Form

- If option **A** is completed with '**IS NOT**', the former employer can determine to award an enhanced (2nd tier) ill health pension, payable from the date of their determination.
- If option **A** is completed with '**IS NOT**' and the former employer determines to award an enhanced (2nd tier) 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.
- If option **B1 OR B2 OR B3 AND C1** has been ticked, the 3rd tier ill health pension will cease to be payable.
- If option **B1 OR B2 OR B3 AND C2** has been ticked, the 3rd tier ill health pension will continue in payment but must cease after it has been in payment for three years (unless the person attains their normal retirement age or the pension is stopped before then upon the person obtaining gainful employment).
- The opinion given by the approved registered medical practitioner does not, in itself, determine the cessation or otherwise of a benefit under the LGPS. Nor should the medical practitioner indicate to the individual that a benefit under the LGPS will or will not be payable. It is for the former employing authority to make the formal determination.

Glossary of Terms

- 'Normal retirement age' means age 65 (apart from in the case of a small number of protected members who have a normal retirement age of 60 e.g. employees who were transferred to local government from the Learning and Skills Council for England on 1 April 2010).
- 'Permanently incapable' means that the person was, 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 retirement age'.
- '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 person's 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 March 2014 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 whose pension is currently in payment in accordance with regulation 20 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) and regulation 56 of the Local Government Pension Scheme (Administration) Regulations 2008 (as amended).