

FPS 2015 – Schedule 2, Rule 37 & 38

[2015/589](#) – Original order

[2017/888](#) – changes shown below in red

Authority determines the entitlement of a member of the NFPS to an ill-health award

37.—(1) This paragraph applies if the authority has decided to obtain the written opinion of an IQMP concerning whether a member of the NFPS is permanently disabled, or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) **-If the authority subsequently determines that the member of the NFPS is not entitled to an ill-health award**, the member joins this scheme on whichever is the latest of—

(a) the member's transition date;

(b) if the member decides not to appeal, the expiry of 28 days from the date on which the member received the last of the documents which the authority is required to supply under rule 4 (appeals against decisions based on medical advice) of Part 8 of the NFPS;

(c) if the member withdraws the appeal, the date of the withdrawal of the appeal; and

(d) where the member's appeal has been heard, the expiry of 28 days of the receipt of the report by the board of medical referees where no statement has been supplied by the authority to the Secretary of State, or where the board reconsiders its decision, the notice confirming the decision or the revised decision.

(3) **If the authority subsequently determines that the member of the NFPS is entitled to an ill-health award—**

(a) **the member shall not join this scheme;**

(b) **the member shall continue to be a member of the NFPS; and**

(c) **the ill-health award shall be payable under rule 2 of Part 3 (award on ill-health retirement) of the NFPS.**

Authority determines the entitlement of a member of the 1992 Scheme to an ill-health award

38.—(1) **If the authority subsequently determines that the member of the 1992 Scheme is not entitled to an ill-health award** if the authority has decided to obtain the written opinion of an IQMP under rule H1 (determination by fire authority) of the 1992 Scheme concerning whether a member of that Scheme is permanently disabled, or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) If this paragraph applies, the member joins this scheme on whichever is the latest of—

(a)the member's transition date;

(b)if the member decides not to appeal, the expiry of 28 days from the date on which the member received the last of the documents which the authority is required to supply under rule H2 (appeal against opinion on a medical issue) of Part H of the 1992 Scheme;

(c)if the member withdraws the appeal, the date of the withdrawal of the appeal; and

(d)where the member's appeal has been heard, the expiry of 28 days of the receipt of the report by the board of medical referees, or where the board reconsiders its decision, the notice confirming the decision or the revised decision.

(3) If the authority subsequently determines that the member of the 1992 Scheme is entitled to an ill-health award—

(a)the member shall not join this scheme;

(b)the member shall continue to be a member of the 1992 Scheme; and

(c)the ill-health award shall be payable under rule B3 (ill-health awards) of the 1992 Scheme