

FPS 2015 – Regulation 65

[2014/2848](#) – Original order

[2022/336](#) – changes shown below in red

Entitlement to lower tier ill-health pension and higher tier ill-health pension

65.—(1) An active member who has not reached normal pension age is entitled to immediate payment of a lower tier ill-health pension if the following conditions are met—

- (a) in the opinion of an IQMP the member is incapable of performing any of the duties of the role in which the member was last employed because of incapacity of mind or body and this incapacity will continue until normal pension age;
- (b) the member has three months of qualifying service;
- (c) consequent on the incapacity in sub-paragraph (a), the member has been dismissed or retired from scheme employment; and
- (d) the scheme manager has determined that the member is entitled to a lower tier ill-health pension.

(2) An active member is entitled to immediate payment of a higher tier ill-health pension in addition to the lower tier ill-health pension if the following conditions are met—

- (a) in the opinion of an IQMP the member is incapable of undertaking regular employment because of incapacity of mind or body and this incapacity will continue until normal pension age;
- (b) the member has at least five years of qualifying service;
- (c) the member is entitled to a lower tier ill-health pension; and
- (d) the scheme manager has determined that the member is entitled to a higher tier ill-health pension.

(2A) Where paragraph (2B) applies, the references to normal pension age in paragraphs (1)(a) and (2)(a) are to be read as references to normal pension age under the 1992 Scheme.

(2B) This paragraph applies where—

- (a) 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 the member is entitled to an ill-health award under rule B3 (ill health awards) of the 1992 Scheme; and
- (b) the determination has not been made before 1st April 2022.

(3) In these Regulations, an ill-health award means the entitlement to the payment of a lower tier ill-health pension, and in cases where the member is also entitled to a higher tier ill-health pension, the payment of a higher tier ill-health pension.